LANCE R. LEFLEUR
DIRECTOR

ROBERT J. BENTLEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ▪ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ▪ FAX (334) 271-7950

OCT 2 1 2013

CERTIFIED MAIL 91 7199 9991 7030 3347 6889
RETURN RECEIPT REQUESTED

Scott Hendry
Senior Operations Manager
Big River Industries, Inc.
305 Country Club Road
Livingston, AL 35470

RE: Draft Permit
Livlite Division
NPDES Permit No. AL0055913
Sumter County (119)

Dear Mr. Hendry:

Transmitted herein is a draft of the above referenced permit. Please review the enclosed draft permit carefully. This draft permit may contain additions/revisions to language in your current permit. Please submit any comments on the draft permit to the Department within 30 days from the date of receipt of this letter.

Since the Department has made a tentative decision to reissue the above referenced permit, ADEM Admin. Code r. 335-6-6-.21 requires a public notice of the draft permit in a local newspaper followed by a period of at least 30 days for public comment before the permit can be reissued.

The United States Environmental Protection Agency will also receive the draft permit for review during the 30-day public comment period.

Any mining, processing, construction, land disturbance, or other regulated activity proposed to be authorized by this draft permit is prohibited prior to the effective date of the formal permit. Any mining or processing activity within the drainage basin associated with each permitted outfall which is conducted prior to Departmental receipt of certification from a professional engineer licensed to practice in the State of Alabama, that the Pollution Abatement/Prevention Plan was implemented according to the design plan, or notification from the Alabama Surface Mining Commission that the sediment control structures have been certified, is prohibited.

Please be aware that, if you are not already participating in the Department's web-based electronic environmental (E2) reporting system for submittal of discharge monitoring reports (DMRs), your permit will require you to apply for participation in the E2 DMR system within 180 days of the effective date of the permit unless valid justification as to why you cannot participate is submitted in writing. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. The Permittee Participation Package may be downloaded online at **https://e2.adem.alabama.gov/npdes** or you may obtain a hard copy by submitting a written request or by emailing e2admin@adem.alabama.gov.

The Alabama Department of Environmental Management encourages you to voluntarily consider pollution prevention practices and alternatives at your facility. Pollution Prevention may assist you in complying with effluent limitations, and possibly reduce or eliminate monitoring requirements.

Should you have any questions concerning this matter, please contact Chase Gamble by email at mcgamble@adem.state.al.us or by phone at (334) 270-5622.

Sincerely,

Catherine McNeill

Catherine McNeill, Chief
Mining and Natural Resource Section
Stormwater Management Branch
Water Division

CAM/mcg File: DPER/1735

Enclosure

cc: Chase Gamble, ADEM
Environmental Protection Agency Region IV
Alabama Department of Conservation and Natural Resources
U.S. Fish and Wildlife Service
Alabama Historical Commission
Advisory Council on Historic Preservation
Alabama Department of Industrial Relations

Alabama Department of Environmental Management

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM INDIVIDUAL PERMIT

PERMITTEE:	Big River Industries, Inc. Post Office Drawer V Livingston, AL 35470
FACILITY LOCATION:	Livlite Division South Industrial Park Livingston, AL 35470 Sumter County T18N, R3, Sections 14, 15, 22, and 23
PERMIT NUMBER:	AL0055913
DSN & RECEIVING STREAM:	001-1 Unnamed Tributary to Bear Creek 003-1 Unnamed Tributary to Bear Creek 005-1 Unnamed Tributary to Bear Creek

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, ***Code of Alabama 1975****, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended,* ***Code of Alabama 1975****, §§22-22A-1 to 22-22A-16, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.*

ISSUANCE DATE:

EFFECTIVE DATE:

EXPIRATION DATE:

**** DRAFT ****

Alabama Department of Environmental Management

MINING AND NATURAL RESOURCE SECTION
NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

TABLE OF CONTENTS

PART I DISCHARGE LIMITATIONS, CONDITIONS, AND REQUIREMENTS

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

1. Outfall 001-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfall 001-1,** which is identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfall has been constructed and certified. Discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[1]
pH 00400	6.0 s.u.	-------	8.5 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	-------	35.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[2] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month

2. Outfalls 003-1 and 005-1

During the period beginning on the effective date of this Permit and lasting through the expiration date of this Permit, the Permittee is authorized to discharge from **Outfalls 003-1 and 005-1,** which are identified on Page 1 of this Permit and described more fully in the Permittee's application, if the outfalls have been constructed and certified. Discharges shall be limited and monitored by the Permittee as specified below:

Parameter	Discharge Limitations			Monitoring Requirements	
	Daily Minimum	Monthly Average	Daily Maximum	Sample Type	Measurement Frequency[3]
pH 00400	6.0 s.u.	-------	9.0 s.u.	Grab	2/Month
Solids, Total Suspended 00530	-------	-------	35.0 mg/L	Grab	2/Month
Flow, In Conduit or Thru Treatment Plant[4] 50050	-------	Report MGD	Report MGD	Instantaneous	2/Month

[1] See Part I.C.2. for further measurement frequency requirements.
[2] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.
[3] See Part I.C.2. for further measurement frequency requirements.
[4] Flow must be determined at the time of sample collection by direct measurement, calculation, or other method acceptable to the Department.

B. REQUIREMENTS TO ACTIVATE A PROPOSED MINING OUTFALL

1. Discharge from any point source identified on Page 1 of this Permit which is a proposed outfall is not authorized by this Permit until the outfall has been constructed and certification received by the Department from a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed according to good engineering practices and in accordance with the Pollution Abatement and/or Prevention (PAP) Plan.

2. Certification required by Part I.B.1. shall be submitted on a completed ADEM Form 432. The certification shall include the latitude and longitude of the constructed and certified outfall.

3. Discharge monitoring and Discharge Monitoring Report (DMR) reporting requirements described in Part I.C. of this Permit do not apply to point sources that have not been constructed and certified.

4. Upon submittal of the certification required by Part I.B.1. to the Department, all monitoring and DMR submittal requirements shall apply to the constructed and certified outfall.

C. DISCHARGE MONITORING AND RECORD KEEPING REQUIREMENTS

1. Sampling Schedule and Frequency

a. The Permittee shall collect at least one grab sample of the discharge to surface waters from each constructed and certified point source identified on Page 1 of this Permit and described more fully in the Permittee's application twice per month at a rate of at least every other week if a discharge occurs at any time during the two week period, but need not collect more than two samples per calendar month. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

b. If the final effluent is pumped in order to discharge (e.g. from incised ponds, old highwall cuts, old pit areas or depressions, etc.), the Permittee shall collect at least one grab sample of the discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period which results from direct pumped drainage. Each sample collected shall be analyzed for each parameter specified in Part I.A. of this Permit.

c. The Permittee may increase the frequency of sampling listed in Parts I.C.1.a and I.C.1.b; however, all sampling results must be reported to the Department and included in any calculated results submitted to the Department in accordance with this Permit.

2. Measurement Frequency

Measurement frequency requirements found in Part I.A. shall mean:

a. A measurement frequency of one day per week shall mean sample collection on any day of discharge which occurs every calendar week.

b. A measurement frequency of two days per month shall mean sample collection on any day of discharge which occurs every other week, but need not exceed two sample days per month.

c. A measurement frequency of one day per month shall mean sample collection on any day of discharge which occurs during each calendar month.

d. A measurement frequency of one day per quarter shall mean sample collection on any day of discharge which occurs during each calendar quarter.

e. A measurement frequency of one day per six months shall mean sample collection on any day of discharge which occurs during the period of January through June and during the period of July through December.

f. A measurement frequency of one day per year shall mean sample collection on any day of discharge which occurs during each calendar year.

3. Monitoring Schedule

The Permittee shall conduct the monitoring required by Part I.A. in accordance with the following schedule:

a. MONITORING REQUIRED MORE FREQUENTLY THAN MONTHLY AND MONTHLY shall be conducted during the first full month following the effective date of coverage under this Permit and every month thereafter. More frequently than monthly and monthly monitoring may be done anytime during the month, unless restricted elsewhere in this Permit, but the results should be reported on the last Discharge Monitoring Report (DMR) due for the quarter (i.e., with the March, June, September, and December DMRs).

b. QUARTERLY MONITORING shall be conducted at least once during each calendar quarter. Calendar quarters are the periods of January through March, April through June, July through September, and October through December. The Permittee shall conduct the quarterly monitoring during the first complete calendar quarter following the effective date of this Permit and is then required to monitor once during each quarter thereafter. Quarterly monitoring may be done anytime during the quarter, unless restricted elsewhere in this Permit, but the results should be reported on the last DMR due for the quarter (i.e., with the March, June, September, and December DMRs).

c. SEMIANNUAL MONITORING shall be conducted at least once during the period of January through June and at least once during the period of July through December. The Permittee shall conduct the semiannual monitoring during the first complete semiannual calendar period following the effective date of this Permit and is then required to monitor once during each semiannual period thereafter. Semiannual monitoring may be done anytime during the semiannual period, unless restricted elsewhere in this Permit, but it should be reported on the last DMR due for the month of the semiannual period (i.e., with the June and December DMRs).

d. ANNUAL MONITORING shall be conducted at least once during the period of January through December. The Permittee shall conduct the annual monitoring during the first complete calendar annual period following the effective date of this Permit and is then required to monitor once during each annual period thereafter. Annual monitoring may be done anytime during the year, unless restricted elsewhere in this Permit, but it should be reported on the December DMR.

4. Sampling Location

Unless restricted elsewhere in this Permit, samples collected to comply with the monitoring requirements specified in Part I.A. shall be collected at the nearest accessible location just prior to discharge and after final treatment, or at an alternate location approved in writing by the Department.

5. Representative Sampling

Sample collection and measurement actions taken as required herein shall be representative of the volume and nature of the monitored discharge and shall be in accordance with the provisions of this Permit.

6. Test Procedures

For the purpose of reporting and compliance, Permittees shall use one of the following procedures:

a. For parameters with an EPA established Minimum Level (ML), report the measured value if the analytical result is at or above the ML and report "0" for values below the ML. Test procedures for the analysis of pollutants shall conform to 40 CFR Part 136, guidelines published pursuant to Section 304(h) of the FWPCA, 33 U.S.C. Section 1314(h), and ADEM Standard Operating Procedures. If more than one method for analysis of a substance is approved for use, a method having a minimum level lower than the permit limit shall be used. If the minimum level of all methods is higher than the permit limit, the method having the lowest minimum level shall be used and a report of less than the minimum level shall be reported as zero and will constitute compliance, however should EPA approve a method with a lower minimum level during the term of this Permit the Permittee shall use the newly approved method.

b. For pollutant parameters without an established ML, an interim ML may be utilized. The interim ML shall be calculated as 3.18 times the Method Detection Level (MDL) calculated pursuant to 40 CFR Part 136, Appendix B.

Permittees may develop an effluent matrix-specific ML, where an effluent matrix prevents attainment of the established ML. However, a matrix specific ML shall be based upon proper laboratory method and technique. Matrix-specific MLs must be approved by the Department, and may be developed by the Permittee during permit issuance, reissuance, modification, or during compliance schedule.

In either case the measured value should be reported if the analytical result is at or above the ML and "0" reported for values below the ML.

c. For parameters without an EPA established ML, interim ML, or matrix-specific ML, a report of less than the detection limit shall constitute compliance if the detection limit of all analytical methods is higher than the permit limit using the most sensitive EPA approved method. For the purpose of calculating a monthly average, "0" shall be used for values reported less than the detection limit.

The Minimum Level utilized for procedures identified in Parts I.C.6.a. and b. shall be reported on the Permittee's DMR. When an EPA approved test procedure for analysis of a pollutant does not exist, the Director shall approve the procedure to be used.

7. Recording of Results

For each measurement or sample taken pursuant to the requirements of this Permit, the Permittee shall record the following information:

a. The facility name and location, point source number, date, time, and exact place of sampling or measurements;

b. The name(s) of person(s) who obtained the samples or measurements;

c. The dates and times the analyses were performed;

d. The name(s) of the person(s) who performed the analyses;

e. The analytical techniques or methods used including source of method and method number; and

f. The results of all required analyses.

8. Routine Inspection by Permittee

a. The Permittee shall inspect all point sources identified on Page 1 of this Permit and described more fully in the Permittee's application and all treatment or control facilities or systems used by the Permittee to achieve compliance with the terms and conditions of this Permit at least as often as the applicable sampling frequency specified in Part I.C.1 of this Permit.

b. If required by the Director, the Permittee shall maintain a written log for each point source identified on Page 1 of this Permit and described more fully in the Permittee's application in which the Permittee shall record the following information:

(1) The date and time the point source and any associated treatment or control facilities or systems were inspected by the Permittee;

(2) Whether there was a discharge from the point source at the time of inspection by the Permittee;

(3) Whether a sample of the discharge from the point source was collected at the time of inspection by the Permittee;

(4) Whether all associated treatment or control facilities or systems appeared to be in good working order and operating as efficiently as possible, and if not, a description of the problems or deficiencies; and

(5) The name and signature of the person performing the inspection of the point source and associated treatment or control facilities or systems.

9. Records Retention and Production

a. The Permittee shall retain records of all monitoring information, including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Permit, and records of all data used to complete the above reports or the application for this Permit, for a period of at least three (3) years from the date of the sample collection, measurement, report, or application. This period may be extended by request of the Director at any time. If litigation or other enforcement action, under the AWPCA, AEMA, and/or the FWPCA, is ongoing which involves any of the above records, the records shall be kept until the litigation is resolved. Upon the written request of the Director, the Permittee shall provide the Director with a copy of any record required to be retained by this paragraph. Copies of these records should not be submitted unless requested.

b. All records required to be kept for a period of three (3) years shall be kept at the permitted facility or an alternate location approved by the Department in writing and shall be available for inspection.

10. Monitoring Equipment and Instrumentation

All equipment and instrumentation used to determine compliance with the requirements of this Permit shall be installed, maintained, and calibrated in accordance with the manufacturer's instructions or, in the absence of manufacturer's instructions, in accordance with accepted practices. The Permittee shall develop and maintain quality assurance procedures to ensure proper operation and maintenance of all equipment and instrumentation. The quality assurance procedures shall include the proper use, maintenance, and installation, when appropriate, of monitoring equipment at the plant site.

D. DISCHARGE REPORTING REQUIREMENTS

1. Requirements for Reporting of Monitoring

a. The Department is utilizing a web-based electronic environmental (E2) reporting system for submittal of DMRs. The E2 DMR system allows ADEM to electronically validate, acknowledge receipt, and upload data to the state's central wastewater database. This improves the accuracy of reported compliance data and reduces costs to both the regulated community and ADEM. If the Permittee is not already participating in the E2 DMR system, **the Permittee must apply for participation in the E2 DMR system within 180 days of the effective date of this permit unless valid justification as to why they cannot participate is submitted in writing. After 180 days, hard copy DMRs may be used only with written approval from the Department.** To participate in the E2 DMR system, the Permittee Participation Package may be downloaded online at https://e2.adem.alabama.gov/npdes. If the electronic environmental (E2) reporting system is down (i.e. electronic submittal of DMR data is unable to be completed due to technical problems originating with the Department's system; this could include entry/submittal issues with an entire set of DMRs or individual parameters), permittees are not relieved of their obligation to submit DMR data to the Department by the required submittal date. However, if the E2 system is down on the 28th day of the month or is down for an extended period of time as determined by the Department when a DMR is required to be submitted, the facility may submit the data in an alternate manner and format acceptable to the Department. Preapproved alternate acceptable methods include faxing, e-mailing, mailing, or hand-delivery of data such that they are received by the required reporting date. Within five calendar days of the E2 system resuming operation, the Permittee shall enter the data into the E2 reporting system unless an alternate timeframe is approved by the Department. An attachment should be included with the E2 DMR submittal verifying the original submittal date (date of the fax, copy of dated e-mail, or hand-delivery stamped date). If a permitttee is allowed to submit via the US Postal Service, the DMR must be legible and bear an original signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit. If the Permittee, using approved analytical methods as specified in Part I.C.6. monitors any discharge from a point source identified on Page 1 of this Permit and describe more fully in the Permittee's application more frequently than required by this Permit; the results of such monitoring shall be included in the calculation and reporting of values on the DMR Form, and the increased frequency shall be indicated on the DMR Form. In the event no discharge from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application occurs during a monitoring period, the Permittee shall report "No Discharge" for such period on the appropriate DMR Form.

b. The Permittee shall report "No Discharge During Quarterly Monitoring Period" on the appropriate DMR Form for each point source receiving pumped discharges pursuant to Part I.C.1.b. provided that no discharge has occurred at any time during the entire quarterly (three month) monitoring period.

c. Each DMR Form submitted by the Permittee to the Department in accordance with Part I.D.1.a. must be legible and bear an original signature or electronic signature. Photo and electronic copies of the signature are not acceptable and shall not satisfy the reporting requirements of this Permit.

d. All reports and forms required to be submitted by this Permit, the AWPCA, and the Department's rules and regulations, shall be signed by a "responsible official" of the Permittee as defined in ADEM Admin. Code r. 335-6-6-.09 or a "duly authorized representative" of such official as defined in ADEM Admin. Code r. 335-6-6-.09 and shall bear the following certification:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

e. All DMRs, reports, and forms required to be submitted by this Permit, the AWPCA and the Department's rules and regulations, shall be addressed to:

> Alabama Department of Environmental Management
> Water Division, Mining and Natural Resource Section
> Post Office Box 301463
> Montgomery, Alabama 36130-1463

Certified and Registered Mail shall be addressed to:

> Alabama Department of Environmental Management
> Water Division, Mining and Natural Resource Section
> 1400 Coliseum Boulevard
> Montgomery, Alabama 36110-2059

f. Unless authorized in writing by the Department, approved reporting forms required by this Permit or the Department are not to be altered, and if copied or reproduced, must be consistent in format and identical in content to the ADEM approved form. Unauthorized alteration, falsification, or use of incorrectly reproduced forms constitutes noncompliance with the requirements of this Permit and may significantly delay processing of any request, result in denial of the request, result in permit termination, revocation, suspension, modification, or denial of a permit renewal application, or result in other enforcement action.

g. If this Permit is a reissuance, then the Permittee shall continue to submit DMRs in accordance with the requirements of their previous permit until such time as DMRs are due as discussed in Part I.D.1.a.

2. Requirements for Outfall Certification Summary Submittal

The Permittee shall submit a summary of outfalls identified on Page 1 of this Permit so that it is received by the Director with the required DMRs no later than the 28th day of the month following the quarterly reporting period (i.e., on the 28th day of January, April, July, and October of each

year). This Outfall Certification Summary shall indicate whether each outfall identified on Page 1 of this Permit has been certified and, if so, it shall include the date for each certification as well as the latitude and longitude of the certified outfall. If any outfall identified on Page 1 of this Permit has been released from monitoring requirements as provided in Part I.D.4. of this Permit, then the summary of outfalls shall include the date of the monitoring requirements release. The Outfall Certification Summary shall be submitted in a format approved or provided by the Department. This submittal is only required when DMR submittal is required by Part I.B.4.

3. Noncompliance Notification

a. The Permittee must notify the Department if, for any reason, the Permittee's discharge:

(1) Potentially threatens human health or welfare;

(2) Potentially threatens fish or aquatic life;

(3) Causes an in-stream water quality criterion to be exceeded;

(4) Does not comply with an applicable toxic pollutant effluent standard or prohibition established under Section 307(a) of the FWPCA, 33 U.S.C. §1317(a);

(5) Contains a quantity of a hazardous substance which has been determined may be harmful to the public health or welfare under Section 311(b)(4) of the FWPCA, 33 U.S.C. §1321(b)(4); or

(6) Exceeds any discharge limitation for an effluent parameter as a result of an unanticipated bypass or upset.

The Permittee shall orally or electronically report any of the above occurrences, describing the circumstances and potential effects of such discharge to the Director within 24-hours after the Permittee becomes aware of the occurrence of such discharge. In addition to the oral or electronic report, the Permittee shall submit to the Director a written report as provided in Part I.D.3.c., no later than five (5) days after becoming aware of the occurrence of such discharge.

b. If for any reason, the Permittee's discharge does not comply with any limitation of this Permit, the Permittee shall submit a written report to the Director as provided in Part I.D.3.c. This report must be submitted with the next Discharge Monitoring Report required to be submitted by Part I.D.1. of this Permit after becoming aware of the occurrence of such noncompliance.

c. Form 401 or 421 must be submitted to the Director in accordance with Parts I.D.3.a. and b. The completed form must document the following information:

(1) A description of the discharge and cause of noncompliance;

(2) The period of noncompliance, including exact dates, times, and duration of the noncompliance. If not corrected by the due date of the written report, then the Permittee is to state the anticipated timeframe that is expected to transpire before the noncompliance is resolved; and

(3) A description of the steps taken and/or being taken to reduce or eliminate the noncomplying discharge and to prevent its recurrence.

4. Reduction, Suspension, or Termination of Monitoring and/or Reporting

a. The Director may, with respect to any point source identified on Page 1 of this Permit and described more fully in the Permittee's application, authorize the Permittee to reduce, suspend, or terminate the monitoring and/or reporting required by this Permit upon the submission of a written request for such reduction, suspension, or termination by the Permittee provided:

(1) All mining, processing, or disturbance in the drainage basin(s) associated with the discharge has ceased and site access is adequately restricted or controlled to preclude unpermitted and unauthorized mining, processing, transportation, or associated operations/activity;

(2) Permanent, perennial vegetation has been re-established on all areas mined or disturbed for at least one year since mining has ceased in the drainage basin(s) associated with the surface discharge, or all areas have been permanently graded such that all drainage is directed back into the mined pit to preclude all surface discharges;

(3) Unless waived in writing by the Department, the Permittee has been granted, in writing, a 100% Bond Release, if applicable, by the Alabama Department of Industrial Relations and, if applicable, by the Surface Mining Commission for all areas mined or disturbed in the drainage basin(s) associated with the discharge;

(4) Unless waived in writing by the Department, the Permittee has submitted inspection reports prepared and certified by a Professional Engineer (PE) registered in the State of Alabama or a qualified professional under the PE's direction which certify that the facility has been fully reclaimed or that water quality remediation has been achieved. The first inspection must be conducted approximately one year prior to and the second inspection must be conducted within thirty days of the Permittee's request for termination of monitoring and reporting requirements;

(5) All surface effects of the mining activity such as fuel or chemical tanks, preparation plants or equipment, old tools or equipment, junk or debris, etc., must be removed and disposed of according to applicable state and federal regulations;

(6) The Permittee's request for termination of monitoring and reporting requirements contained in this Permit has been supported by monitoring data covering a period of at least six consecutive months or such longer period as is necessary to assure that the data reflect discharges occurring during varying seasonal climatological conditions;

(7) The Permittee has stated in its request that the samples collected and reported in the monitoring data submitted in support of the Permittee's request for monitoring termination or suspension are representative of the discharge and were collected in accordance with all Permit terms and conditions respecting sampling times (e.g., rainfall events) and methods and were analyzed in accordance with all Permit terms and conditions respecting analytical methods and procedures;

(8) The Permittee has certified that during the entire period covered by the monitoring data submitted, no chemical treatment of the discharge was provided;

(9) The Permittee's request has included the certification required by Part I.D.1.d. of this Permit; and

(10) The Permittee has certified to the Director in writing as part of the request, its compliance with (1) through (9) above.

b. It remains the responsibility of the Permittee to comply with the monitoring and reporting requirements of this Permit until written authorization to reduce, suspend, or terminate such monitoring and/or reporting is received by the Permittee from the Director.

E. OTHER REPORTING AND NOTIFICATION REQUIREMENTS

1. Anticipated Noncompliance

The Permittee shall give the Director written advance notice of any planned changes or other circumstances regarding a facility which may result in noncompliance with permit requirements.

2. Termination of Discharge

The Permittee shall notify the Director, in writing, when all discharges from any point source(s) identified on Page 1 of this Permit and described more fully in the Permittee's application have permanently ceased.

3. Updating Information

a. The Permittee shall inform the Director of any change in the Permittee's mailing address or telephone number or in the Permittee's designation of a facility contact or officer(s) having the authority and responsibility to prevent and abate violations of the AWPCA, the AEMA, the Department's rules and regulations, and the terms and conditions of this Permit, in writing, no later than ten (10) days after such change. Upon request of the Director, the Permittee shall furnish the Director with an update of any information provided in the permit application.

b. If the Permittee becomes aware that it failed to submit any relevant facts in a permit application, or submitted incorrect information in a permit application or in any report to the Director, it shall promptly submit such facts or information with a written explanation for the mistake and/or omission.

4. Duty to Provide Information

a. The Permittee shall furnish to the Director, within a reasonable time, any information which the Director may request to determine whether cause exists for modifying, suspending, terminating, or revoking and reissuing this Permit, in whole or in part, or to determine compliance with this Permit. The Permittee shall also furnish to the Director upon request, copies of records required to be maintained by this Permit.

b. The Permittee shall furnish to the Director upon request, within a reasonable time, available information (name, phone number, address, and site location) which identifies offsite sources of material or natural resources (mineral, ore, or other material such as iron, coal, coke, dirt, chert, shale, clay, sand, gravel, bauxite, rock, stone, etc.) used in its operation or stored at the facility.

F. SCHEDULE OF COMPLIANCE

The Permittee shall achieve compliance with the discharge limitations specified in Part I.A. of this Permit in accordance with the following schedule:

Compliance must be achieved by the effective date of this Permit.

PART II OTHER REQUIREMENTS, RESPONSIBILITIES, AND DUTIES

A. OPERATIONAL AND MANAGEMENT REQUIREMENTS

1. Facilities Operation and Management

The Permittee shall at all times operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Permittee to achieve compliance with the conditions of this Permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities only when necessary to achieve compliance with the conditions of this Permit.

2. Pollution Abatement and/or Prevention Plan

The Pollution Abatement and/or Prevention (PAP) Plan shall be prepared and certified by a registered Professional Engineer (PE), licensed to practice in the State of Alabama, and shall include at a minimum, the information indicated in ADEM Admin. Code r. 335-6-9-.03 and ADEM Admin. Code ch. 335-6-9 Appendices A and B. The PAP Plan shall become a part of this Permit and all requirements of the PAP Plan shall become requirements of this Permit pursuant to ADEM Admin. Code r. 335-6-9-.05(2).

3. Best Management Practices (BMPs)

a. Unless otherwise authorized in writing by the Director, the Permittee shall provide a means of subsurface withdrawal for any discharge from each point source identified on Page 1 of this Permit and described more fully in the Permittee's application. Notwithstanding the above provision, a means of subsurface withdrawal need not be provided for any discharge caused by a 24-hour precipitation event greater than a 10-year, 24-hour precipitation event.

b. Dilution water shall not be added to achieve compliance with discharge limitations except when the Director has granted prior written authorization for dilution to meet water quality requirements.

c. The Permittee shall minimize the contact of water with overburden, including but not limited to stabilizing disturbed areas through grading, diverting runoff, achieving quick growing stands of temporary vegetation, sealing acid-forming and toxic-forming materials, and maximizing placement of waste materials in back-fill areas.

d. The Permittee shall prepare, submit to the Department for approval, and implement a Best Management Practices (BMPs) Plan for containment of any or all process liquids or solids, in a manner such that these materials do not present a potential for discharge, if so required by the Director. When submitted and approved, the BMP Plan shall become a part of this Permit and all requirements of the BMP Plan shall become requirements of this Permit.

e. Spill Prevention, Control, and Management

The Permittee shall prepare, implement, and maintain a Spill Prevention, Control and Countermeasures (SPCC) Plan acceptable to the Department that is prepared and certified by a Professional Engineer (PE), registered in the State of Alabama, for all onsite petroleum product or other pollutant storage tanks or containers as required by applicable state (ADEM Admin. Code r. 335-6-6-.12(r)) and federal (40 C.F.R. §§112.1-.7)

regulations. The Permittee shall implement appropriate structural and/or non-structural spill prevention, control, and/or management sufficient to prevent any spills of pollutants from entering a ground or surface water of the State or a publicly or privately owned treatment works. Careful consideration should be applied for tanks or containers located near treatment ponds, water bodies, or high traffic areas. In most situations this would require construction of a containment system if the cumulative storage capacity of petroleum products or other pollutants at the facility is greater than 1320 gallons. Any containment system used to implement this requirement shall be constructed of materials compatible with the substance(s) contained and shall prevent the contamination of groundwater. Such containment systems shall be capable of retaining a volume equal to 110 percent of the capacity of the largest tank for which containment is provided. The applicant shall maintain onsite or have readily available flotation booms to contain, and sufficient material to absorb, fuel and chemical spills and leaks. Soil contaminated by chemical spills, oil spills, etc., must be immediately cleaned up or be removed and disposed of in an approved manner.

f. All surface drainage and storm water runoff which originate within or enters the Permittee's premises and which contains any pollutants or other wastes shall be discharged, if at all, from a point source identified on Page 1 of this Permit and described more fully in the Permittee's application.

g. The Permittee shall take all reasonable precautions to prevent any surface drainage or storm water runoff which originates outside the Permittee's premises and which contains any pollutants or other wastes from entering the Permittee's premises. At no time shall the Permittee discharge any such surface drainage or storm water runoff which enters the Permittee's premises if, either alone or in combination with the Permittee's effluent, the discharge would exceed any applicable discharge limitation specified in Part I.A. of this Permit.

4. Biocide Additives

a. The Permittee shall notify the Director in writing not later than sixty (60) days prior to instituting the use of any biocide corrosion inhibitor or chemical additive in any cooling or boiler system(s) regulated by this Permit. Notification is not required for additives that should not reasonably be expected to cause the cooling water or boiler water to exhibit toxicity as determined by analysis of manufacturer's data or testing by the Permittee. Such notification shall include:

(a) Name and general composition of biocide or chemical;

(b) 96-hour median tolerance limit data for organisms representative of the biota of the water(s) which the discharge(s) enter(s);

(c) Quantities to be used;

(d) Frequencies of use;

(e) Proposed discharge concentrations; and

(f) EPA registration number, if applicable.

b. The use of any biocide or chemical additive containing tributyl tin, tributyl tin oxide, zinc, chromium, or related compounds in any cooling or boiler system(s) regulated by the Permit is prohibited except as exempted below. The use of a biocide or additive containing zinc, chromium or related compounds may be used in special circumstances if (1) the permit contains limits for these substances, or (2) the applicant demonstrates

during the application process that the use of zinc, chromium or related compounds as a biocide or additive will not pose a reasonable potential to violate the applicable State water quality standards for these substances. The use of any additive, not identified in this Permit or in the application for this Permit or not exempted from notification under this Permit is prohibited, prior to a determination by the Department that permit modification to control discharge of the additive is not required or prior to issuance of a permit modification controlling discharge of the additive.

5. Facility Identification

The Permittee shall clearly display prior to commencement of any regulated activity and until permit coverage is properly terminated, the name of the Permittee, entire NPDES permit number, facility or site name, and other descriptive information deemed appropriate by the Permittee at an easily accessible location(s) to adequately identify the site, unless approved otherwise in writing by the Department. The Permittee shall repair or replace the sign(s) as necessary upon becoming aware that the identification is missing or is unreadable due to age, vandalism, theft, weather, or other reason.

6. Removed Substances

Solids, sludges, filter backwash, or any other pollutants or other wastes removed in the course of treatment or control of wastewaters shall be disposed of in a manner that complies with all applicable Department rules and regulations.

7. Loss or Failure of Treatment Facilities

Upon the loss or failure of any treatment facility, including but not limited to the loss or failure of the primary source of power of the treatment facility, the Permittee shall, where necessary to maintain compliance with the discharge limitations specified in Part I.A. of this Permit or any other terms or conditions of this Permit, cease, reduce, or otherwise control production and/or discharges until treatment is restored.

8. Duty to Mitigate

The Permittee shall promptly take all reasonable steps to minimize or prevent any violation of this Permit or to mitigate and minimize any adverse impact to waters resulting from noncompliance with any discharge limitation specified in Part I.A. of this Permit, including such accelerated or additional monitoring of the discharge and/or the receiving waterbody as is necessary to determine the nature and impact of the noncomplying discharge.

B. BYPASS AND UPSET

1. Bypass

a. Any bypass is prohibited except as provided in Parts II.B.1.b. and c.

b. A bypass is not prohibited if:

(1) It does not cause any applicable discharge limitation specified in Part I.A. of this Permit to be exceeded;

(2) The discharge resulting from such bypass enters the same receiving water as the discharge from the permitted outfall;

(3) It is necessary for essential maintenance of a treatment or control facility or system to assure efficient operation of such facility or system; and

(4) The Permittee monitors the discharge resulting from such bypass at a frequency, at least daily, sufficient to prove compliance with the discharge limitations specified in Part I.A. of this Permit.

c. A bypass is not prohibited and need not meet the discharge limitations specified in Part I.A. of this Permit if:

(1) It is unavoidable to prevent loss of life, personal injury, or severe property damage;

(2) There are no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if the Permittee could have installed adequate backup equipment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(3) The Permittee submits a written request for authorization to bypass to the Director at least ten (10) days, if possible, prior to the anticipated bypass or within 24 hours of an unanticipated bypass, the Permittee is granted such authorization, and Permittee complies with any conditions imposed by the Director to minimize any adverse impact to waters resulting from the bypass.

d. The Permittee has the burden of establishing that each of the conditions of Parts II.B.1.b. or c. have been met to qualify for an exception to the general prohibition against bypassing contained in Part II.B.1.a. and an exemption, where applicable, from the discharge limitations specified in Part I.A. of this Permit.

2. Upset

a. Except as provided in Parts II.B.2.b. and c., a discharge which results from an upset need not meet the applicable discharge limitations specified in Part I.A. of this Permit if:

(1) No later than 24-hours after becoming aware of the occurrence of the upset, the Permittee orally reports the occurrence and circumstances of the upset to the Director; and

(2) No later than five (5) days after becoming aware of the occurrence of the upset, the Permittee furnishes the Director with evidence, including properly signed, contemporaneous operating logs, design drawings, construction certification, maintenance records, weir flow measurements, dated photographs, rain gauge measurements, or other relevant evidence, demonstrating that:

(i) An upset occurred;

(ii) The Permittee can identify the specific cause(s) of the upset;

(iii) The Permittee's treatment facility was being properly operated at the time of the upset; and

(iv) The Permittee promptly took all reasonable steps to minimize any adverse impact to waters resulting from the upset.

b. Notwithstanding the provisions of Part II.B.2.a., a discharge which is an overflow from a treatment facility or system, or an excess discharge from a point source associated with a treatment facility or system and which results from a 24-hour precipitation event larger than a 10-year, 24-hour precipitation event is not exempted from the discharge limitations specified in Part I.A. of this Permit unless:

(1) The treatment facility or system is designed, constructed, and maintained to contain the maximum volume of wastewater which would be generated by the facility during a 24-hour period without an increase in volume from precipitation and the maximum volume of wastewater resulting from a 10-year, 24-hour precipitation event or to treat the maximum flow associated with these volumes.

In computing the maximum volume of wastewater which would result from a 10-year, 24-hour precipitation event, the volume which would result from all areas contributing runoff to the individual treatment facility must be included (i.e., all runoff that is not diverted from the mining area and runoff which is not diverted from the preparation plant area); and

(2) The Permittee takes all reasonable steps to maintain treatment of the wastewater and minimize the amount of overflow or excess discharge.

c. The Permittee has the burden of establishing that each of the conditions of Parts II.B.2.a. and b. have been met to qualify for an exemption from the discharge limitations specified in Part I.A. of this Permit.

C. PERMIT CONDITIONS AND RESTRICTIONS

1. Prohibition against Discharge from Facilities Not Certified

a. Notwithstanding any other provisions of this Permit, if the permitted facility has not obtained or is not required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which was not certified to the Department on a form approved by the Department by a professional engineer, registered in the State of Alabama, as being designed, constructed, and in accordance with plans and specifications reviewed by the Department is prohibited; or

b. Notwithstanding any other provisions of this Permit, if the permitted facility has obtained or is required to obtain a permit from the Alabama Surface Mining Commission, any discharge(s) from any point or nonpoint source(s) from the permitted facility which is associated with a treatment facility which was not constructed and certified to the Alabama Surface Mining Commission pursuant to applicable provisions of said Commission's regulations, is prohibited until the Permittee submits to the Alabama Surface Mining Commission, certification by a professional engineer, registered in the State of Alabama, certifying that such facility has been constructed in accordance with plans and specifications approved by the Alabama Surface Mining Commission. This requirement shall not apply to pumped discharges from the underground works of underground coal mines where no surface structure is required by the Alabama Surface Mining Commission, provided the Department is notified in writing of the completion or installation of such facilities, and the pumped discharges will meet permit effluent limits without treatment.

2. Permit Modification, Suspension, Termination, and Revocation

a. This Permit may be modified, suspended, terminated, or revoked and reissued, in whole or in part, during its term for cause, including but not limited to, the following:

(1) The violation of any term or condition of this Permit;

(2) The obtaining of this Permit by misrepresentation or the failure to disclose fully all relevant facts;

(3) The submission of materially false or inaccurate statements or information in the permit application or reports required by the Permit;

(4) The need for a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(5) The existence of any typographical or clerical errors or of any errors in the calculation of discharge limitations;

(6) The existence of material and substantial alterations or additions to the facility or activity generating wastewater which occurred after permit issuance which justify the application of permit conditions that are different or absent in the existing permit;

(7) The threat of the Permittee's discharge on human health or welfare; or

(8) Any other cause allowed by ADEM Admin. Code ch. 335-6-6.

b. The filing of a request by the Permittee for modification, suspension, termination, or revocation and reissuance of this Permit, in whole or in part, does not stay any Permit term or condition of this Permit.

3. Automatic Expiration of Permits for New or Increased Discharges

a. Except as provided by ADEM Admin. Code r. 335-6-6-.02(g) and 335-6-6-.05, if this Permit was issued for a new discharger or new source, it shall expire eighteen months after the issuance date if construction has not begun during that eighteen month period.

b. Except as provided by ADEM Admin. Code r. 335-6-6-.02(g) and 335-6-6-.05, if any portion of this Permit was issued or modified to authorize the discharge of increased quantities of pollutants to accommodate the modification of an existing facility, that portion of this Permit shall expire eighteen months after this Permit's issuance if construction of the modification has not begun within eighteen month period.

c. Construction has begun when the owner or operator has:

(1) Begun, or caused to begin as part of a continuous on-site construction program:

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(2) Entered into a binding contractual obligation for the purpose of placement, assembly, or installation of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under the paragraph. The entering into a lease with the State of Alabama for exploration and production of hydrocarbons shall also be considered beginning construction.

d. The automatic expiration of this Permit for new or increased discharges if construction has not begun within the eighteen month period after the issuance of this Permit may be tolled by administrative or judicial stay.

4. Transfer of Permit

This Permit may not be transferred or the name of the Permittee changed without notice to the Director and subsequent modification or revocation and reissuance of this Permit to identify the new Permittee and to incorporate any other changes as may be required under the FWPCA or AWPCA. In the case of a change in name, ownership, or control of the Permittee's premises only, a request for permit modification in a format acceptable to the Director is required at least 30 days prior to the change. In the case of a change in name, ownership, or control of the Permittee's premises accompanied by a change or proposed change in effluent characteristics, a complete permit application is required to be submitted to the Director at least 180 days prior to the change. Whenever the Director is notified of a change in name, ownership, or control, he may decide not to modify the existing Permit and require the submission of a new permit application.

5. Groundwater

Unless authorized on page 1 of this Permit, this Permit does not authorize any discharge to groundwater. Should a threat of groundwater contamination occur, the Director may require groundwater monitoring to properly assess the degree of the problem, and the Director may require that the Permittee undertake measures to abate any such discharge and/or contamination.

6. Property and Other Rights

This Permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations, nor does it authorize or approve the construction of any physical structures or facilities or the undertaking of any work in any waters of the State or of the United States.

D. RESPONSIBILITIES

1. Duty to Comply

a. The Permittee must comply with all terms and conditions of this Permit. Any permit noncompliance constitutes a violation of the AWPCA, AEMA, and the FWPCA and is grounds for enforcement action, for permit termination, revocation and reissuance, suspension, modification, or denial of a permit renewal application.

b. The Permittee shall comply with effluent standards or prohibitions established under Section 307(a) of the FWPCA for toxic pollutants within the time provided in the regulations that establish these standards or prohibitions, even if this Permit has not yet been modified to incorporate the effluent standard, prohibition or requirement.

c. For any violation(s) of this Permit, the Permittee is subject to a civil penalty as authorized by the AWPCA, the AEMA, the FWPCA, and Code of Alabama 1975, §§22-22A-1 et. seq., as amended, and/or a criminal penalty as authorized by Code of Alabama 1975, §22-22-1 et. seq., as amended.

d. The necessity to halt or reduce production or other activities in order to maintain compliance with the conditions of this Permit shall not be a defense for a Permittee in an enforcement action.

e. Nothing in this Permit shall be construed to preclude or negate the Permittee's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals.

f. The discharge of a pollutant from a source not specifically identified in the permit application for this Permit and not specifically included in the description of an outfall in this Permit is not authorized and shall constitute noncompliance with this Permit.

g. The Permittee shall take all reasonable steps, including cessation of production or other activities, to minimize or prevent any violation of this Permit or to minimize or prevent any adverse impact of any permit violation.

2. Change in Discharge

a. The Permittee shall apply for a permit modification at least 180 days in advance of any facility expansion, production increase, process change, or other action that could result in the discharge of additional pollutants, increase the quantity of a discharged pollutant, or that could result in an additional discharge point. This requirement also applies to pollutants that are not subject to discharge limitations in this Permit. No new or increased discharge may begin until the Director has authorized it by issuance of a permit modification or a reissued permit.

b. The Permittee shall notify the Director as soon as it knows or has reason to believe that it has begun or expects to begin to discharge any pollutant listed as a toxic pollutant pursuant to Section 307(a) of the FWPCA, 33 U.S.C. §1317(a), any substance designated as a hazardous substance pursuant to Section 311(b)(2) of the FWPCA, 33 U.S.C. §1321(b)(2), any waste listed as a hazardous waste pursuant to Code of Alabama 1975, §22-30-10, or any other pollutants or other wastes which is not subject to any discharge limitations specified in Part I.A. of this Permit and was not reported in the Permittee's application, was reported in the Permittee's application in concentrations or mass rates lower than that which the Permittee expects to begin to be discharged, or has reason to believe has begun to be discharged.

3. Compliance with Toxic or Other Pollutant Effluent Standard or Prohibition

If any applicable effluent standard or prohibition (including any schedule of compliance specified in such effluent standard or prohibition) is established under Sections 301(b)(2)(C),(D),(E) and (F) of the FWPCA, 33 U.S.C. §1311(b)(2)(C),(D),(E), and (F); 304(b)(2) of the FWPCA, 33 U.S.C. §1314(b)(2); or 307(a) of the FWPCA, 33 U.S.C. §1317(a), for a toxic or other pollutant discharged by the Permittee, and such standard or prohibition is more stringent than any discharge limitation on the pollutant specified in Part I.A. of this Permit or controls a pollutant not limited in Part I.A. of this Permit, this Permit shall be modified to conform to the toxic or other pollutant effluent standard or prohibition and the Permittee shall be notified of such modification. If this Permit has not been modified to conform to the toxic or other pollutant effluent standard or prohibition before the effective date of such standard or prohibition, the authorization to discharge in this Permit shall be void to the extent that any discharge limitation on such pollutant in Part I.A.

of this Permit exceeds or is inconsistent with the established toxic or other pollutant effluent standard or prohibition.

4. Compliance with Water Quality Standards and Other Provisions

a. On the basis of the Permittee's application, plans, or other available information, the Department has determined that compliance with the terms and conditions of this Permit will assure compliance with applicable water quality standards. However, this Permit does not relieve the Permittee from compliance with applicable State water quality standards established in ADEM Admin. Code ch. 335-6-10, and does not preclude the Department from taking action as appropriate to address the potential for contravention of applicable State water quality standards which could result from discharges of pollutants from the permitted facility.

b. Compliance with Permit terms and conditions notwithstanding, if the Permittee's discharge(s) from point source(s) identified on Page 1 of this Permit cause(s) or contribute(s) to a condition in contravention of State water quality standards, the Department may require abatement action to be taken by the Permittee, modify the Permit pursuant to the Department's rules and regulations, or both.

c. If the Department determines, on the basis of a notice provided pursuant to Part II.C.2. of this Permit or any investigation, inspection, or sampling, that a modification of this Permit is necessary to assure maintenance of water quality standards or compliance with other provisions of the AWPCA or FWPCA, the Department may require such modification and, in cases of emergency, the Director may prohibit the noticed act until the Permit has been modified.

5. Compliance with Statutes and Rules

a. This Permit has been issued under ADEM Admin. Code div. 335-6. All provisions of this division, that are applicable to this Permit, are hereby made a part of this Permit. A copy of this division may be obtained for a small charge from the Office of General Counsel, Alabama Department of Environmental Management, 1400 Coliseum Blvd., Montgomery, AL 36110-2059.

b. This Permit does not authorize the noncompliance with or violation of any Laws of the State of Alabama or the United States of America or any regulations or rules implementing such laws. FWPCA, 33 U.S.C. Section 1319, and Code of Alabama 1975, Section 22-22-14.

6. Right of Entry and Inspection

The Permittee shall allow the Director, or an authorized representative, upon the presentation of credentials and other documents as may be required by law to:

a. Enter upon the Permittee's premises where a regulated facility or activity is located or conducted, or where records must be kept under the conditions of the Permit;

b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this Permit;

c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Permit; and

d. Sample or monitor at reasonable times, for the purposes of assuring Permit compliance or as otherwise authorized by the AWPCA, any substances or parameters at any location.

7. Duty to Reapply or Notify of Intent to Cease Discharge

a. If the Permittee intends to continue to discharge beyond the expiration date of this Permit, the Permittee shall file with the Department a complete permit application for reissuance of this Permit at least 180 days prior to its expiration.

b. If the Permittee does not desire to continue the discharge(s) allowed by this Permit, the Permittee shall notify the Department at least 180 days prior to expiration of this Permit of the Permittee's intention not to request reissuance of this Permit. This notification must include the information required in Part I.D.4.a. and be signed by an individual meeting the signatory requirements for a permit application as set forth in ADEM Admin. Code r. 335-6-6-.09.

c. Failure of the Permittee to submit to the Department a complete application for reissuance of this Permit at least 180 days prior to the expiration date of this Permit will void the automatic continuation of this Permit provided by ADEM Admin. Code r. 335-6-6-.06; and should this Permit not be reissued for any reason, any discharge after the expiration of this Permit will be an unpermitted discharge.

PART III ADDITIONAL REQUIREMENTS, CONDITIONS, AND LIMITATIONS

A. CIVIL AND CRIMINAL LIABILITY

1. Tampering

Any person who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained or performed under this Permit shall, upon conviction, be subject to penalties and/or imprisonment as provided by the AWPCA and/or the AEMA.

2. False Statements

Any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction, be punished as provided by applicable State and Federal law.

3. Permit Enforcement

This NPDES Permit is a Permit for the purpose of the AWPCA, the AEMA, and the FWPCA, and as such all terms, conditions, or limitations of this Permit are enforceable under State and Federal law.

4. Relief From Liability

Except as provided in Part II.B.1. (Bypass) and Part II.B.2. (Upset), nothing in this Permit shall be construed to relieve the Permittee of civil or criminal liability under the AWPCA, AEMA, or FWPCA for noncompliance with any term or condition of this Permit.

B. OIL AND HAZARDOUS SUBSTANCE LIABILITY

Nothing in this Permit shall be construed to preclude the institution of any legal action or relieve the Permittee from any responsibilities, liabilities, or penalties to which the Permittee is or may be subject to under Section 311 of the FWPCA, 33 U.S.C. §1321.

C. AVAILABILITY OF REPORTS

Except for data determined to be confidential under Code of Alabama 1975, §22-22-9(c), all reports prepared in accordance with the terms of this Permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement in any such report may result in the imposition of criminal penalties as provided for in Section 309 of the FWPCA, 33 U.S.C. §1319, and Code of Alabama 1975, §22-22-14.

D. DEFINITIONS

1. Alabama Environmental Management Act (AEMA) - means Code of Alabama 1975, §§22-22A-1 et. seq., as amended.

2. Alabama Water Pollution Control Act (AWPCA) - means Code of Alabama 1975, §§22-22-1 et. seq., as amended.

3. Average monthly discharge limitation - means the highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar

month divided by the number of "daily discharges" measured during that month (zero discharge days shall not be included in the number of "daily discharges" measured and a less than detectable test result shall be treated as a concentration of zero if the most sensitive EPA approved method was used).

4. Arithmetic Mean - means the summation of the individual values of any set of values divided by the number of individual values.

5. BOD - means the five-day measure of the pollutant parameter biochemical oxygen demand

6. Bypass - means the intentional diversion of waste streams from any portion of a treatment facility.

7. CBOD - means the five-day measure of the pollutant parameter carbonaceous biochemical oxygen demand.

8. Controlled Surface Mine Drainage – means any surface mine drainage that is pumped or siphoned from the active mining area.

9. Daily discharge - means the discharge of a pollutant measured during any consecutive 24-hour period in accordance with the sample type and analytical methodology specified by the discharge permit.

10. Daily maximum - means the highest value of any individual sample result obtained during a day.

11. Daily minimum - means the lowest value of any individual sample result obtained during a day.

12. Day - means any consecutive 24-hour period.

13. Department - means the Alabama Department of Environmental Management.

14. Director - means the Director of the Department or his authorized representative or designee.

15. Discharge - means "[t]he addition, introduction, leaking, spilling or emitting of any sewage, industrial waste, pollutant or other waste into waters of the state." Code of Alabama 1975, §22-22-1(b)(8).

16. Discharge monitoring report (DMR) - means the form approved by the Director to accomplish monitoring report requirements of an NPDES Permit.

17. DO - means dissolved oxygen.

18. E. coli – means the pollutant parameter Escherichia coli.

19. 8HC - means 8-hour composite sample, including any of the following:

    a. The mixing of at least 5 equal volume samples collected at constant time intervals of not more than 2 hours over a period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

    b. A sample continuously collected at a constant rate over period of not less than 8 hours between the hours of 6:00 a.m. and 6:00 p.m. If the sampling period exceeds 8 hours, sampling may be conducted beyond the 6:00 a.m. to 6:00 p.m. period.

20. EPA - means the United States Environmental Protection Agency.

21. Federal Water Pollution Control Act (FWPCA) - means 33 U.S.C. §§1251 et. seq., as amended.

22. Flow – means the total volume of discharge in a 24-hour period.

23. Geometric Mean - means the Nth root of the product of the individual values of any set of values where N is equal to the number of individual values. The geometric mean is equivalent to the antilog of the arithmetic mean of the logarithms of the individual values. For purposes of calculating the geometric mean, values of zero (0) shall be considered one (1).

24. Grab Sample - means a single influent or effluent portion which is not a composite sample. The sample(s) shall be collected at the period(s) most representative of the discharge.

25. Indirect Discharger - means a nondomestic discharger who discharges pollutants to a publicly owned treatment works or a privately owned treatment facility operated by another person.

26. Industrial User - means those industries identified in the Standard Industrial Classification manual, Bureau of the Budget 1967, as amended and supplemented, under the category "Division D – Manufacturing" and such other classes of significant waste producers as, by regulation, the Director deems appropriate.

27. mg/L - means milligrams per liter of discharge.

28. MGD - means million gallons per day.

29. Monthly Average - means, other than for E. coli bacteria, the arithmetic mean of all the composite or grab samples taken for the daily discharges collected in one month period. The monthly average for E. coli bacteria is the geometric mean of daily discharge samples collected in a one month period. The monthly average for flow is the arithmetic mean of all flow measurements taken in a one month period. (Zero discharges shall not be included in the calculation of monthly averages.)

30. New Discharger - means a person owning or operating any building, structure, facility or installation:

    a. From which there is or may be a discharge of pollutants;

    b. From which the discharge of pollutants did not commence prior to August 13, 1979, and which is not a new source; and

    c. Which has never received a final effective NPDES Permit for dischargers at that site.

31. New Source - means:

    a. A new source as defined for coal mines by 40 CFR Part 434.11 (1994); and

    b. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced:

        (1) After promulgation of standards of performance under Section 306 of FWPCA which are applicable to such source; or

        (2) After proposal of standards of performance in accordance with Section 306 of the FWPCA which are applicable to such source, but only if the standards are promulgated in accordance with Section 206 within 120 days of their proposal.

32. NH3-N - means the pollutant parameter ammonia, measured as nitrogen.

33. 1-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in one year as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

34. Permit application - means forms and additional information that are required by ADEM Admin. Code r. 335-6-6-.08 and applicable permit fees.

35. Point Source - means "any discernible, confined and discrete conveyance, including but not limited to any pipe, channel, ditch, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged." Section 502(14) of the FWPCA, 33 U.S.C. §1362(14).

36. Pollutant - includes for purposes of this Permit, but is not limited to, those pollutants specified in Code of Alabama 1975, §22-22-1(b)(3) and those effluent characteristics, excluding flow, specified in Part I.A. of this Permit.

37. Pollutant of Concern - means those pollutants for which a water body is listed as impaired or which contribute to the listed impairment.

38. Pollution Abatement and/or Prevention Plan (PAP Plan) – mining operations plan developed to minimize impacts on water quality to avoid a contravention of the applicable water quality standards as defined in ADEM Admin. Code r. 335-6-9-.03

39. Preparation, Dry - means a dry preparation facility within which the mineral/material is cleaned, separated, or otherwise processed without use of water or chemical additives before it is shipped to the customer or otherwise utilized. A dry preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Dry preparation also includes minor water spray(s) used solely for dust suppression on equipment and roads to minimize dust emissions.

40. Preparation, Wet - means a wet preparation facility within which the mineral/material is cleaned, separated, or otherwise processed using water or chemical additives before it is shipped to the customer or otherwise utilized. A wet preparation plant includes all ancillary operations and structures necessary to clean, separate, or otherwise process the mineral/material, such as storage areas and loading facilities. Wet preparation also includes mineral extraction/processing by dredging, slurry pumping, etc.

41. Privately Owned Treatment Works - means any devices or system which is used to treat wastes from any facility whose operator is not the operator of the treatment works, and which is not a "POTW".

42. Publicly Owned Treatment Works (POTW) - means a wastewater collection and treatment facility owned by the State, municipality, regional entity composed of two or more municipalities, or another entity created by the State or local authority for the purpose of collecting and treating municipal wastewater.

43. Receiving Stream - means the "waters" receiving a "discharge" from a "point source".

44. Severe property damage - means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

45. Shale and/or common clay mine - means an area, on or beneath land, used or disturbed in activity related to the extraction, removal, or recovery of shale and/or common clay form natural or artificial deposits, including active mining, reclamation, and mineral storage.

46. 10-year, 24-hour precipitation event - means that amount of precipitation which occurs during the maximum 24-hour precipitation event with a probable recurrence interval of once in ten years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

47. TKN - means the pollutant parameter Total Kjeldahl Nitrogen.

48. TON - means the pollutant parameter Total Organic Nitrogen.

49. TRC - means Total Residual Chlorine.

50. TSS – means the pollutant parameter Total Suspended Solids

51. Treatment facility and treatment system - means all structures which contain, convey, and as necessary, chemically or physically treat mine and/or associated preparation plant drainage, which remove pollutants limited by this Permit from such drainage or wastewater. This includes all pipes, channels, ponds, tanks, and all other equipment serving such structures.

52. 24HC - means 24-hour composite sample, including any of the following:

    a. The mixing of at least 12 equal volume samples collected at constant time intervals of not more than 2 hours over a period of 24 hours;

    b. A sample collected over a consecutive 24-hour period using an automatic sampler composite to one sample. As a minimum, samples shall be collected hourly and each shall be no more than one twenty-fourth (1/24) of the total sample volume collected; or

    c. A sample collected over a consecutive 24-hour period using an automatic composite sampler composited proportional to flow.

53. 24-hour precipitation event - means that amount of precipitation which occurs within any 24-hour period.

54. 2-year, 24-hour precipitation event - means the maximum 24-hour precipitation event with a probable recurrence interval of once in two years as defined by the National Weather Service and Technical Paper No. 40, "Rainfall Frequency Atlas of the U.S.," May 1961, or equivalent regional or rainfall probability information developed therefrom.

55. Upset - means an exceptional incident in which there is an unintentional and temporary noncompliance with technology-based permit discharge limitations because of factors beyond the control of the Permittee. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate facilities, lack of preventive maintenance, or careless or improper operation.

56. Waters - means "[a]ll waters of any river, stream, watercourse, pond, lake, coastal, ground or surface water, wholly or partially within the State, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Code of Alabama 1975, §22-22-1(b)(2). "Waters" include all "navigable waters" as defined in §502(7) of the FWPCA, 33 U.S.C. §1362(7), which are within the State of Alabama.

57. Week - means the period beginning at twelve midnight Saturday and ending at twelve midnight the following Saturday.

58. Weekly (7-day and calendar week) Average – is the arithmetic mean of all samples collected during a consecutive 7-day period or calendar week, whichever is applicable. The calendar week is defined as beginning on Sunday and ending on Saturday. Weekly averages shall be calculated for all calendar weeks with Saturdays in the month. If a calendar week overlaps two months (i.e., the Sunday is in one month and the Saturday in the following month), the weekly average calculated for the calendar week shall be included in the data for the month that contains the Saturday.

E. SEVERABILITY

The provisions of this Permit are severable, and if any provision of this Permit or the application of any provision of this Permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this Permit, shall not be affected thereby.

F. PROHIBITIONS AND ACTIVIES NOT AUTHORIZED

1. Discharges from disposal or landfill activities as described in ADEM Admin. Code div. 335-13 are not authorized by this Permit unless specifically approved by the Department.

2. Relocation, diversion, or other alteration of a water of the State is not authorized by this Permit unless specifically approved by the Department.

3. Lime or cement manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

4. Concrete or asphalt manufacturing or production and discharge of process waters from such manufacturing or production is not authorized by this Permit unless specifically approved by the Department.

5. The discharge of wastewater, generated by any process, facility, or by any other means not under the operational control of the Permittee or not identified in the application for this Permit or not identified specifically in the description of an outfall in this Permit is not authorized by this Permit.

G. DISCHARGES TO IMPAIRED WATERS

1. This Permit does not authorize new sources or new discharges of pollutants of concern to impaired waters unless consistent with an EPA-approved or EPA-established Total Maximum Daily Load (TMDL) and applicable State law. Impaired waters are those that do not meet applicable water quality standards and are identified on the State of Alabama's §303(d) list or on an EPA-approved or EPA-established TMDL. Pollutants of concern are those pollutants for which the receiving water is listed as impaired or contribute to the listed impairment.

2. Facilities that discharge into a receiving stream which is listed on the State of Alabama's §303(d) list of impaired waters, and with discharges that contain the pollutant(s) for which the waters are impaired, must within six (6) months of the Final §303(d) list approval, document in its BMP plan how the BMPs will control the discharge of the pollutant(s) of concern, and must ensure that there will be no increase of the pollutants of concern. A monitoring plan to assess the effectiveness of the BMPs in achieving the allocations must also be included in the BMP plan.

3. If the facility discharges to impaired waters as described above, it must determine whether a TMDL has been developed and approved or established by EPA for the listed waters. If a TMDL is approved or established during this Permit cycle by EPA for any waters into which the facility discharges, the facility must review the applicable TMDL to see if it includes requirements for control of any water discharged by the Permittee. Within six (6) months of the date of TMDL approval or establishment, the facility must notify the Department on how it will modify its BMP plan to include best management practices specifically targeted to achieve the allocations prescribed by the TMDL, if necessary. Any revised BMP plans must be submitted to the Department for review. The facility must include in the BMP plan a monitoring component to assess the effectiveness of the BMPs in achieving the allocations.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
WATER DIVISION

NPDES INDIVIDUAL PERMIT RATIONALE

Company Name: Big River Industries, Inc.

Facility Name: Livlite Division

County: Sumter

Permit Number: AL0055913

Prepared by: Chase Gamble

Date: October 3, 2013

Receiving Waters: Unnamed Tributary to Bear Creek

Permit Coverage: Shale, Common Clay Mine and Prep Plant (Dry), and Associated Areas

SIC Codes: 1459

The Department has made a tentative determination that the available information is adequate to support reissuance of this permit.

This proposed permit covers a shale and common clay mine with a dry preparation plant and associated areas.

This proposed permit authorizes treated discharges into a stream segment, other State water, or local watershed that currently has a water quality classification of Fish and Wildlife (F&W) (ADEM Admin. Code r. 335-6-10-.09). If the requirements of the proposed permit are fully implemented, the facility will not discharge pollutants at levels that will cause or contribute to a violation of the F&W classification.

Full compliance with the proposed permit terms and conditions is expected to be protective of instream water quality and ensure consistency with applicable instream State water quality standards for the receiving stream(s).

Effluent limitations at outfalls 003-1 and 005-1 for pH are identical to those promulgated by EPA Federal Register (40 CFR Part 436 Subpart C). In addition to pH, this permit establishes discharge limitations for total suspended solids as determined by Best Professional Judgment (BPJ). Effluent limitations for TSS are identical to those proposed by EPA for dry process shale and common clay mine drainage in the "Development Document for Effluent Limitations Guidelines and New Source Performance Standards for the Mineral Mining and Processing Point Source Category."

Instream water quality standards for pH in streams classified as Fish and Wildlife is 6.0 – 8.5 s.u. per ADEM Admin. Code r. 335-6-10-.09. However, due to the fact that discharges from Outfalls 003-1 and 005-1 are only expected in response to rain events, it is the opinion of the Department that discharges with an allowable pH daily maximum limitation of 9.0 s.u. will not adversely affect the instream pH based on the low discharge/stream flow ratio. Pumped discharges from Outfall 001-1, which is used solely for mine de-watering, may occur during low-flow conditions in the receiving stream, and therefore gets an allowable pH daily maximum of 8.5 s.u. based on the potentially high discharge/stream flow ratio. At Outfall 001-1, the daily maximum limitation for pH is reduced from the limitation in the previous permit version. The proposed limitations have been shown to be protective of water quality.

The applicant has requested, in accordance with 40 CFR Part 122.21 and their NPDES permit application, a waiver from testing for the Part A, B, and C pollutants listed in the EPA Form 2C and 2D that are not addressed in their application. They have also certified that due to the processes involved in their mining activity these pollutants are believed to be not present in the waste stream.

The Pollution Abatement/Prevention (PAP) plan for this facility has been prepared by a professional engineer (PE) registered in the State of Alabama and is designed to ensure reduction of pollutants in the waste stream to a level that, if operated properly, the discharge will not contribute to or cause a violation of applicable State water quality standards. The proposed permit terms and conditions are predicated on the basis of ensuring a reduction of pollutants in the discharge to a level that reduces the potential of contributing to or causing a violation of applicable State water quality standards.

Pursuant to ADEM Admin. Code R. 335-6-6-.12(r) this permit requires the permittee to design and implement a Spill Prevention Control and Countermeasures (SPCC) plan for all stored chemicals, fuels and/or stored pollutants that have the potential to discharge to a water of the State. This plan must meet the minimum engineering requirements as defined in 40 CFR Part 112 and must provide for secondary containment adequate to control a potential spill.

In accordance with ADEM Admin. Code r. 335-6-3-.07 the design professional engineer, as evidenced by their seal and/or signature on the application, has accepted full responsibility for the effectiveness of the waste treatment facility to treat the permittee's effluent to meet NPDES permit limitations and requirements, and to fully comply with Alabama's water quality standards, when such treatment facilities are properly operated.

If there is a reasonable potential that a pollutant present in the treated discharges from a facility could cause or contribute to a contravention of applicable State water quality standards above numeric or narrative criteria, 40 CFR Part 122 requires the Department to establish effluent limits using calculated water quality criterion, establish effluent limits on a case-by-case basis using criteria established by EPA, or establish effluent limits based on an indicator parameter. Based on available information, potential pollutants discharged from this facility, if discharged within the concentrations allowed by this permit, would not have a reasonable potential to cause or contribute to a contravention of applicable State water quality standards.

The applicant is not proposing discharges of pollutant(s) to a water of the State with an approved Total Maximum Daily Load (TMDL).

The applicant is not proposing discharges into a stream segment or other State water that is included on Alabama's current CWA §303(d) list.

The applicant is not proposing discharges of pollutant(s) to an ADEM identified Tier I water.

The proposed permit does not authorize new or increased discharges of pollutants to a Tier II water; therefore, the Antidegradation Policy, ADEM Admin Code 335-6-10.04 does not apply.

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANGEMENT (ADEM)
OUTFALL CERTIFICATION SUMMARY

PERMITTEE NAME: Big River Industries, Inc.
FACILITY NAME: Livlite Division
NPDES PERMIT NO: AL0055913
DOL PERMIT NO: _____
COUNTY: Sumter County

Outfall Number	Is Outfall Certified?	Date of Certification	Outfall Latitude and Longitude	Date of ADEM Monitoring Release
001-1	☐ YES ☐ NO			
003-1	☐ YES ☐ NO			
005-1	☐ YES ☐ NO			

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

_____ _____ _____
Name and Title (Print) Signature Date

☐ Responsible Official ☐ Duly Authorized Representative

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT (ADEM)
NPDES INDIVIDUAL PERMIT APPLICATION

SURFACE & UNDERGROUND MINERAL & ORE OR MINERAL PRODUCT MINING, QUARRYING, EXCAVATION, BORROWING, HYDRAULIC MINING, STORAGE, PROCESSING, PREPARATION, RECOVERY, HANDLING, LOADING, STORING, OR DISPOSING ACTIVITIES AND ASSOCIATED AREAS INCLUDING PRE-MINING SITE DEVELOPMENT, CONSTRUCTION, EXCAVATION, CLEARING, DISTURBANCE, RECLAMATION, AND ASSOCIATED AREAS

INSTRUCTIONS: PLEASE READ THE ACCOMPANYING INSTRUCTIONS CAREFULLY BEFORE COMPLETING THIS FORM. COMPLETE ALL QUESTIONS. RESPOND WITH "N/A" AS APPROPRIATE. INCOMPLETE OR INCORRECT ANSWERS OR MISSING SIGNATURES WILL DELAY PROCESSING. ATTACH ADDITIONAL COMMENTS OR INFORMATION AS NEEDED. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. COMMENCEMENT OF ACTIVITIES APPLIED FOR AS DETAILED IN THIS APPLICATION ARE NOT AUTHORIZED UNTIL PERMIT COVERAGE HAS BEEN ISSUED BY THE DEPARTMENT.

PLEASE TYPE OR PRINT IN INK ONLY.

PURPOSE OF THIS APPLICATION

☐ Initial Permit Application for New Facility ☐ Initial Permit Application for Existing Facility (e.g. facility previously permitted less than 5 acres)
☐ Modification of Existing Permit ☒ Reissuance of Existing Permit ☐ Reissuance & Modification of Existing Permit
☐ Reissuance & Transfer of Existing Permit ☐ Revocation and Reissuance of Existing Permit ☐ Other _____

I. GENERAL INFORMATION

NPDES Permit Number (Not applicable if initial permit application):	County(s) in which Facility is Located:
AL 0055913	Sumter

RECEIVED
OCT 17 2013
STORMWATER MANAGEMENT BRANCH

Company/Permittee Name:			Facility Name (*e.g.*, Mine Name, Pit Name, etc.):		
Big River Industries, Inc.			Livlite Division		
Mailing Address of Company/Permittee:			Physical Address of Facility (as near as possible to entrance):		
P.O. Drawer V			Highway 11		
City:	State:	Zip:	City:	State:	Zip:
Livingston	Alabama	35470	York	Alabama	36925
Permittee Phone Number:	Permittee Fax Number:		Latitude and Longitude of entrance:		
(205)-652-9688	(205)-652-2267		33 31' 35.03" -88 15' 17.53"		

Responsible Official (as described on page 13 of this application):			Responsible Official Title:		
Scott Hendry			Senior Operations Manager		
Mailing Address of Responsible Official:			Physical Address of Responsible Official:		
305 Country Club Road			Same		
City:	State:	Zip:	City:	State:	Zip:
Livingston	Alabama	35470	Same		
Phone Number of Responsible Official:	Fax Number of Responsible Official:		Email Address of Responsible Official:		
(205)-361-2196	(205)-652-2267		scott.hendry@oldcastle.com		

Facility Contact:			Facility Contact Title:	
Greg Knight			Vice President Operations and Engineering	
Physical Address of Facility Contact:			Phone Number of Facility Contact:	Fax Number of Facility Contact:
South Industrial Park			(205)-652-9688	(205)-652-2267
City:	State:	Zip:	Email Address of Facility Contact:	
Livingston	Alabama	35470	Greg.knight@oldcastleapg.com	

II. MEMBER INFORMATION

A. Identify the name, title/position, and unless waived in writing by the Department, the residence address of every officer, general partner, LLP partner, LLC member, investor, director, or person performing a function similar to a director, of the applicant, and each person who is the record or beneficial owner of 10 percent or more of any class of voting stock of the applicant, or any other responsible official(s) of the applicant with legal or decision making responsibility or authority for the facility:

Name:	Title/Position:	Physical Address of Residence (P.O. Box is Not Acceptable)
Joel Hammond	President	221 Blue Sky Drive, Marietta, Georgia 30068
Greg Knight	VP Operations	4984 David Road, Oscar, Louisiana 70762
Danny McElroy	Plant Manager	3rd Avenue, Cuba, Alabama 36907

B. Other than the "Company/Permittee" listed in Part I., identify the name of each corporation, partnership, association, and single proprietorship for which any individual identified in Part II.A. is or was an officer, general partner, LLP partner, LLC member, investor, director, or individual performing a function similar to a director, or principal (10% or more) stockholder, that had an Alabama NPDES permit at any time during the five year (60 month) period immediately preceding the date on which this form is signed:

Name of Corporation, Partnership, Association, or Single Proprietorship:	Name of Individual from Part II.A.:	Title/Position in Corporation, Partnership, Association, or Single Proprietorship:
None		

III. LEGAL STRUCTURE OF APPLICANT

A. Indicate the legal structure of the "Company/Permittee" listed in Part I:

☒ Corporation ☐ Association ☐ Individual ☐ Single Proprietorship ☐ Partnership ☐ LLP ☐ LLC

☐ Government Agency: _____ ☐ Other: _____

B. If not an individual or single proprietorship, is the "Company/Permittee" listed in Part I. properly registered and in good standing with the Alabama Secretary of State's Office? (If the answer is "No," attach a letter of explanation.) ☒ Yes ☐ No

C. Parent Corporation and Subsidiary Corporations of Applicant, if any: Oldcastle Architectural Products Group

D. Land Owner(s): Big River Industry

E. Mining Sub-contractor(s)/Operator(s), if known: None

IV. COMPLIANCE HISTORY

A. Has the applicant ever had any of the following:

	Yes	No
(1) An Alabama NPDES, SID, or UIC permit suspended or terminated?	☐	☒
(2) An Alabama license to mine suspended or revoked?	☐	☒
(3) An Alabama or federal mining permit suspended or terminated?	☐	☒
(4) A reclamation bond, or similar security deposited in lieu of a bond, or portion thereof, forfeited?	☐	☒
(5) A bond or similar security deposited in lieu of a bond, or portion thereof, the purpose of which was to secure compliance with any requirement of the Alabama Water Improvement Commission or Alabama Department of Environmental Management, forfeited?	☐	☒

(If the response to any item of Part IV.A. is "Yes," attach a letter of explanation.)

B. Identify every Warning Letter, Notice of Violation (NOV), Administrative Action, or litigation issued to the applicant, parent corporation, subsidiary, general partner, LLP partner, or LLC member and filed by ADEM or EPA during the three year (36 months) period preceding the date on which this form is signed. Indicate the date of issuance, briefly describe alleged violations, list actions (if any) to abate alleged violations, and indicate date of final resolution:

None

V. OTHER PERMITS/AUTHORIZATIONS

A. List any other NPDES or other environmental permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, Alabama Surface Mining Commission (ASMC), Alabama Department of Industrial Relations (ADIR), or other agency, to the applicant, parent corporation, subsidiary, or LLC member for this facility whether presently effective, expired, suspended, revoked, or terminated:

ADIR 60- Big River- 1, NPDES AL0055913

B. List any other NPDES or other ADEM permits (including permit numbers), authorizations, or certifications that have been applied for or issued within the State by ADEM, EPA, ASMC, or ADIR, to the applicant, parent corporation, subsidiary, or LLC member for other facilities whether presently effective, expired, suspended, revoked, or terminated:

Plant- ALG 110288, Landfill at Plant-60-08, Air Permits-Z004 (Kiln1), Z005 (Kiln2), X006 (Kiln3), X007 (dust transport systems for Kilns1 &2), X008 (Dust transport system for Kiln 3), X010 (Screen in Finish Plant)

VI. PROPOSED SCHEDULE

Anticipated Activity Commencement Date: November 30 2013 Anticipated Activity Completion Date: November 30, 2013

VII. ACTIVITY DESCRIPTION & INFORMATION

A. Proposed Total Area of the Permitted Site: 301 acres Proposed Total Disturbed Area of the Permitted Site: 186 acres

B. Township(s), Range(s), Section(s): SW 1/4, Sec.14; E1/2, SE 1/4, Sec 15; NE 1/4, NE 1/4, Sec.22; NW 1/4 NW 1/4, Sec 23; T. 18N., R. 3

C. Detailed Directions to Site: Travel northeast on Highway 11 about 3.5 miles out of York, AL, turn left at facility sign.

D. Is/ will this facility:

		Yes	No
(1)	an existing facility which currently results in discharges to State waters?	☒	☐
(2)	a proposed facility which will result in a discharge to State waters?	☐	☒
(3)	be located within any 100-year flood plain?	☐	☒
(4)	discharge to Municipal Separate Storm Sewer?	☐	☒
(5)	discharge to waters of or be located in the Coastal Zone?	☐	☒
(6)	need/have ADEM UIC permit coverage?	☐	☒
(7)	be located on Indian/ historically significant lands?	☐	☒
(8)	need/have ADEM SID permit coverage?	☐	☒
(9)	need/have ASMC permit coverage?	☐	☒
(10)	need/have ADIR permit coverage?	☒	☐
(11)	generate, treat, store, or dispose of hazardous or toxic waste ? (If "Yes," attach a detailed explanation.)	☐	☒
(12)	be located in or discharge to a Public Water Supply (PWS) watershed or be located within ½ mile of any PWS well?	☐	☒

VIII. MATERIAL TO BE REMOVED, PROCESSED, OR TRANSLOADED

List relative percentages of the mineral(s) or mineral product(s) that are proposed to be and/or are currently mined, quarried, recovered, prepared, processed, handled, transloaded, or disposed at the facility. **If more than one mineral is to be mined, list the relative percentages of each mineral by tonnage for the life of the mine.**

____Dirt &/or Chert	_____Sand &/or Gravel	_____Chalk	_____Talc	_____Crushed rock (other)
_____Bentonite	_____Industrial Sand	_____Marble	100% Shale &/or Common Clay	_____Sandstone
_____Coal	_____Kaolin	_____Coal fines/refuse recovery	_____Coal product, coke	_____Slag, Red Rock
_____Fire clay	_____Iron ore	_____Dimension stone	_____Phosphate rock	_____Granite
_____Bauxitic Clay	_____Bauxite Ore	_____Limestone, crushed limestone and dolomite		

_____ Gold, other trace minerals:_____ _____Other:_____

_____Other:_____ _____Other:_____

_____Other:_____ _____Other:_____

IX. PROPOSED ACTIVITY TO BE CONDUCTED

A. Type(s) of activity presently conducted at applicant's existing facility or proposed to be conducted at facility (check all that apply):

- [X] Surface mining
- [ ] Underground mining
- [ ] Quarrying
- [ ] Auger mining
- [ ] Hydraulic mining
- [ ] Within-bank mining
- [ ] Solution mining
- [ ] Mineral storing
- [ ] Lime production
- [ ] Cement production
- [ ] Synthetic fuel production
- [ ] Alternative fuels operation
- [ ] Mineral dry processing (crushing & screening)
- [ ] Mineral wet preparation
- [ ] Other beneficiation & manufacturing operations
- [X] Mineral loading
- [ ] Chemical processing or leaching
- [ ] Construction related temporary borrow pits/areas
- [X] Mineral transportation ___rail ___barge X truck
- [ ] Preparation plant waste recovery
- [ ] Hydraulic mining, dredging, instream or between stream-bank mining
- [ ] Grading, clearing, grubbing, *etc.*
- [ ] Pre-construction ponded water removal
- [ ] Excavation
- [ ] Pre-mining logging or land clearing
- [ ] Waterbody relocation or other alteration
- [ ] Creek/stream crossings
- [ ] Onsite construction debris or equipment storage/disposal
- [ ] Onsite mining debris or equipment storage/disposal
- [X] Reclamation of disturbed areas
- [ ] Chemicals used in process or wastewater treatment (coagulant, biocide, etc.)
- [ ] Adjacent/associated asphalt/concrete plant(s)
- [ ] Low volume sewage treatment package plant
- [ ] Other: _____

B. Primary SIC Code: 1459 Description: Clay, Ceramic, and Refractory Minerals, Not Elsewhere Classified

Secondary SIC Code(s): _____ Description: _____

C. Narrative Description of the Activity: The clay mine is an open pit surface operation, having been operated since 1971. The Porter Creek Clay mined from the site is transported to a lightweight aggregate manufacturing facility. The soil overburden is stored in piles on site used for backfilling upon completion of clay removal

X. FUEL – CHEMICAL HANDLING, STORAGE & SPILL PREVENTION CONTROL & COUNTERMEASURES (SPCC) PLAN

A. Will fuels, chemicals, compounds, or liquid waste be used or stored onsite? [X] Yes [ ] No

B. If "Yes," identify the fuel, chemicals, compounds, or liquid waste and indicate the volume of each:

Volume	*Contents*	*Volume*	*Contents*	*Volume*	*Contents*
1000 gallons	Diesel	_____ gallons	_____	_____ gallons	_____
_____ gallons	_____	_____ gallons	_____	_____ gallons	_____

C. If "Yes," a detailed SPCC Plan with acceptable format and content, including diagrams, must be attached to application in accordance with ADEM Admin. Code R. 335-6-6-.12(r). Unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis, Material Safety Data Sheets (MSDS) for chemicals/compounds used or proposed to be used at the facility must be included in the SPCC Plan submittal.

XI. POLLUTION ABATEMENT & PREVENTION (PAP) PLAN

A. For non-coal mining facilities, a PAP Plan in accordance with ADEM Admin. Code r. 335-6-9-.03 has been completed and is attached as part of this application. [X] Yes [ ] No

B. For coal mining facilities, a detailed PAP Plan has been submitted to ASMC according to submittal procedures for ASMC regulated facilities. [ ] Yes [ ] No

(1) If "Yes" to Part XI.B., provide the date that the PAP Plan was submitted to ASMC: N/A

(2) If "No" to Part XI.B., provide the anticipated date that the PAP Plan will be submitted to ASMC: N/A

XII. TOPOGRAPHIC MAP SUBMITTAL

Attach to this application a 7.5 minute series U.S.G.S. topographic map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the area extending to at least one mile beyond property boundaries. The topographic or equivalent map(s) must include a caption indicating the name of the topographic map, name of the applicant, facility name, county, and township, range, & section(s) where the facility is located. Unless approved in advance by the Department, the topographic or equivalent map(s), at a minimum, must show:

(a) An outline of legal boundary of entire property (property lines and lease boundaries)
(b) An outline of the facility
(c) All existing and proposed disturbed areas
(d) Location of discharge areas
(e) Proposed and existing discharge points
(f) Perennial, intermittent, and ephemeral streams
(g) Lakes, springs, water wells, wetlands
(h) All known facility dirt/improved access/haul roads
(i) All surrounding unimproved/improved roads
(j) High-tension power lines and railroad tracks
(k) Buildings and structures, including fuel/water tanks
(l) Contour lines, township-range-section lines
(m) Drainage patterns, swales, washes
(n) All drainage conveyance/treatment structures (ditches, berms, etc.)
(o) Any other pertinent or significant feature

XIII. DETAILED FACILITY MAP SUBMITTAL

Attach to this application a 1:500 scale or better, detailed auto-CAD map(s) or equivalent map(s) no larger than, or folded to a size of 8.5 by 11 inches (several pages may be necessary), of the facility. The facility map(s) must include a caption indicating the name of the facility, name of the applicant, facility name, county, and township, range, & section(s) where the facility is located. Unless approved in advance by the Department, the facility or equivalent map(s), at a minimum, must show:

(a) Information listed in Item XII (a) – (o) above
(b) If noncoal, detailed, planned mining progression
(c) If noncoal, location of topsoil storage areas
(d) Location of ASMC bonded increments (if applicable)
(e) Location of mining or pond cleanout waste storage/disposal areas
(f) Other information relevant to facility or operation
(g) Location of facility sign showing Permittee name, facility name, and NPDES Number

XIV. RECEIVING WATERS

List the requested permit action for each outfall (issue, reissue, add, delete, move, etc.), outfall designation including denoting "E" for existing and "P" for proposed outfalls, name of receiving water(s), whether or not the stream is included in a TMDL, latitude and longitude (to seconds) of location(s) of each discharge point, distance of receiving water from outfall in feet, number of disturbed acres, the number of drainage acres which will drain through each treatment system, outfall, or BMP, and if the outfall discharges to an ADEM listed CWA Section 303(d) waterbody segment at the time of application submittal.

Action	Outfall E/P	Receiving Water	Latitude	Longitude	Distance to Rec. Water	Disturbed Acres	Drainage Acres	ADEM WUC	303(d) Segment (Y/N)	TMDL Segment* (Y/N)
Reissue	001E	UT to Bear Creek	32 31' 52"	-88 15' 52"	0 ft	176	195	F&W	N	
Reissue	003E	UT to Bear Creek	32 31' 57"	-88 16' 13"	150-200ft	1.5	31	F&W	N	
Reissue	005E	UT to Bear Creek	32 31' 20"	-88 16' 13"	50ft	8.5	75	F&W	N	

*If a TMDL Compliance Schedule is requested, the following should be attached as supporting documentation: (1) Justification for the requested Compliance Schedule (e.g. time for design and installation of control equipment, etc.); (2) Monitoring results for the pollutant(s) of concern which have not previously been submitted to the Department (sample collection dates, analytical results (mass and concentration), methods utilized, MDL/ML, etc. should be reported as available); (3) Requested interim limitations, if applicable; (4) Date of final compliance with the TMDL limitations; and (5) Any other additional information available to support the requested compliance schedule.

XV. DISCHARGE CHARACTERIZATION

A. Modified EPA Form 2C Submittal

☒ Yes, pursuant to 40 CFR 122.21, the applicant requests a waiver for completion of the modified EPA Form 2C and certifies that the operating facility will discharge treated stormwater only, unless waived in writing by the Department on a programmatic, categorical, or individual compound/chemical basis that chemical/compound additives are not used, and that there are no process, manufacturing, or other industrial operations or wastewaters, including but not limited to lime or cement production, synfuel operations, *etc.*, and that coal and coal products are not mined nor stored onsite.

☐ No, the applicant does not request a waiver and a complete modified EPA Form 2C is attached.

B. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. List expected average daily discharge flow rate in cfs and gpd, frequency of discharge in hours per day and days per month, average summer and winter temperature of discharge(s) in degrees centigrade (C), average pH in standard units, average daily discharge in pounds per day of BOD_5, Total Suspended Solids, Total Iron, Total Manganese, and Total Aluminum (if bauxite or bauxitic clay): * Based on historical data

Outfall E/P	Information Source - # of Samples	Flow cfs	Flow gpd	Frequency hours/day	Frequency days/mth	Sum/Win Temp, °C	pH s.u.	BOD_5 lbs/day	TSS lbs/day	Tot Fe lbs/day	Tot Mn lbs/day	Tot Al lbs/day
E001	19/DMR	.36	.233	Precipitation	Precipitation	18/7	6.9	2.7	67.7	0.8	0.1	NA
E003	19/DMR	.06	.04	Precipitation	Precipitation	18/7	6.9	0.5	11.6	0.1	0.02	NA
E005	19DMR	.14	.09	Precipitaion	Precipitation	18/7	6.9	1.0	26.1	0.3	0.04	NA

C. The applicant is required to supply the following information separately for every P or E outfall. If necessary, attach extra sheets. Identify and list expected average daily discharge in pounds per day of any other pollutant(s) listed in EPA Form 2C, Item V – Intake And Effluent Characteristics, Parts A, B, & C that are not referenced in Part XV.B., that you know is present or have reason to believe could be present in the discharge(s) at levels of concern:

Outfall E/P	Reason Believed Present	Information Source - # of Samples										
			lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day	lbs/day
N/A												

XVI. DISCHARGE STRUCTURE DESCRIPTION & POLLUTANT SOURCE

The applicant is required to supply outfall number(s) as it appears on the map(s) required by this application [if this application is for a modification to an existing permit do not change the numbering sequence of the permitted outfalls], describe each, (*e.g.*, pipe, spillway, channel, tunnel, conduit, well, discrete fissure, or container), and identify the origin of pollutants. The response must be precise for each outfall. If the discharge of pollutants from any outfall is the result of commingling of waste streams from different origins, each origin must be completely described.

Outfall	Discharge structure Description	Description of Origin Of pollutants	Surface Discharge	Groundwater Discharge	Wet Prep -Other Production Plant	Pumped or Controlled Discharge	Low Volume STP	Other
001E	Pipe	8,9,10	Yes	No	No	Yes	No	No
003E	Pipe/Culvert/Ditch	10	Yes	No	No	No	No	No
005E	Rip/Rap Ditch	10	Yes	No	No	No	No	No

Origin of Pollutants – typical examples: **(1)** Discharge of drainage from the underground workings of an underground coal mine, **(2)** Discharge of drainage from a coal surface mine, **(3)** Discharge of drainage from a coal preparation plant and associated areas, **(4)** Discharge of process wastewater from a gravel-washing plant, **(5)** Discharge of wastewater from an existing source coal preparation plant, **(6)** Discharge of drainage from a sand and gravel pit, **(7)** Pumped discharge from a limestone quarry, **(8)** Controlled surface mine drainage (pumped or siphoned), **(9)** Discharge of drainage from mine reclamation, **(10) Other**: Soil overburden piles.

XVII. PROPOSED NEW OR INCREASED DISCHARGES

A. Pursuant to ADEM Admin. Code Chapter 335-6-10-.12(9), responses to the following questions must be provided by the applicant requesting NPDES permit coverage for new or expanded discharges of pollutant(s) to Tier 2 waters (except discharges eligible for coverage under general permits). As part of the permit application review process, the Department is required to consider, based on the applicant's demonstration, whether the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located.

☐ Yes. New/increased discharges of pollutant(s) or discharge locations to Tier 2 waters are proposed.

☒ No. New/increased discharges of pollutants(s) or discharge locations to Tier 2 waters are not proposed.

B. If "Yes," complete this Part (XVII.B.), Part XVIII, and XIX. **Attach additional sheets/documentation and supporting information as needed.**

(1) What environmental or public health problem will the discharge be correcting?

(2) How much will the discharger be increasing employment (at its existing facility or as a result of locating a new facility)?

(3) How much reduction in employment will the discharger be avoiding?

(4) How much additional state or local taxes will the discharger be paying?

(5) What public service to the community will the discharger be providing?

(6) What economic or social benefit will the discharger be providing to the community?

XVIII. ALTERNATIVES ANALYSIS – ADEM Form 311 3/02

Pursuant to ADEM Admin. Code Chapter 335-6-10, an evaluation of the discharge alternatives identified below has been completed and the following conclusions were reached. All proposed new or expanded discharges of pollutant(s) covered by the Individual NPDES permitting program are subject to the provisions of the antidegradation policy. As part of the permit application review process, the Department is required to determine, based on the applicant's demonstration, that the proposed new or increased discharge to Tier 2 waters is necessary for important economic or social development in the area in which the waters are located. As a part of this demonstration, a registered professional engineer (PE) licensed to practice in the State of Alabama must complete an evaluation of the discharge alternatives, to include calculation of total annualized project costs (Item XIX) for each technically feasible alternative. Technically feasible alternatives with total annualized pollution control project costs that are less than 110% of the preferred alternative total annualized pollution control project costs for the Tier 2 new or increased discharge proposal are considered viable alternatives. **Supporting documentation is attached, referenced, or otherwise handled as appropriate.**

Alternative	Viable	Non-Viable	Reason/Rationale For Indicating Non-Viable
1) Treatment/Discharge Proposed In This Application			
2) Land Application			
3) Pretreatment/Discharge to POTW By SID Permit			
4) Relocation of Discharge			
5) Reuse/Recycle – Pollution Prevention			
6) Other Process/Treatment Alternatives			
7) Underground Injection By UIC Permit			
8) Other Project Specific Alternative(s) Identified By the Applicant Or The ADEM			
9) Other Project Specific Alternative(s) Identified By the Applicant Or The ADEM			

COMMENTS: Not Applicable

XIX. CALCULATION OF TOTAL ANNUALIZED PROJECT COSTS FOR PRIVATE SECTOR PROJECTS - ADEM Form 313 8/02
(ADEM Form 312 3/02 - Public Sector Project is available upon request)

This item must be completed for each technically feasible alternative evaluated in Item XVIII. **Copy, complete, and attach additional blocks/sheets and supporting information as needed.**

Capital Costs of pollution control project to be expended or financed by applicant (Supplied by applicant) $ N/A (1)

Interest Rate for Financing (Expressed as a decimal) _____ (i)

Time Period of Financing (Assume 10 years *) 10 years (n)

Annualization Factor ** = $\frac{i}{(1+i)^{10}-1} + i$ _____ (2)
i = Interest Rate

Annualized Capital Cost [Calculate: (1) x (2)] $ _____ (3)

Annual Cost of Operation & Maintenance (including but not limited to monitoring, inspection, permitting fees, waste disposal charges, repair, administration & replacement) *** $ _____ (4)

Total Annual Cost of Pollution Control Project [(3) + (4)] **$ _____ (5)**

* While actual payback schedules may differ across projects and companies, assume equal annual payments over a 10-year period for consistency in comparing projects.

** Or refer to Appendix B (application information) for calculated annualization factors.

*** For recurring costs that occur less frequently than once a year, pro rate the cost over the relevant number of years (e.g., for pumps replaced once every three years, include one-third of the cost in each year).

XX. POLLUTION ABATEMENT PLAN (PAP) SUMMARY

Outfall(s): 001

Y	N	N/A	
X			Runoff from all areas of disturbance is controlled
X			Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond
X			Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage
X			Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity
X			Trees, boulders, and other obstructions removed from pond during initial construction
		X	Width of top of dam greater than 12'
		X	Side slopes of dam no steeper than 3:1
		X	Cutoff trench at least 8' wide
		X	Side slopes of cutoff trench no less than 1:1
		X	Cutoff trench located along the centerline of the dam
		X	Cutoff trench extends at least 2' into bedrock or impervious soil
		X	Cutoff trench filled with impervious material
		X	Embankments and cutoff trench 95% compaction standard proctor ASTM
		X	Embankment free of roots, tree debris, stones >6" diameter, etc.
		X	Embankment constructed in lifts no greater than 12"
		X	Spillpipe sized to carry peak flow from a one year storm event
		X	Spillpipe will not chemically react with effluent
X			Subsurface withdrawal
		X	Anti-seep collars extend radially at least 2' from each joint in spillpipe
		X	Splashpad at the end of the spillpipe
		X	Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream
		X	Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream
		X	Emergency overflow at least 20' long
		X	Side slopes of emergency spillway no steeper than 2:1
		X	Emergency spillway lined with riprap or concrete
X			Minimum of 1.5' of freeboard between normal overflow and emergency overflow
X			Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam
		X	All emergency overflows are sized to handle entire drainage area for ponds in series
		X	Dam stabilized with permanent vegetation
X			Sustained grade of haul road <10%
X			Maximum grade of haul road <15% for no more than 300'
X			Outer slopes of haul road no steeper than 2:1
X			Outer slopes of haul road vegetated or otherwise stabilized
		X	Detail drawings supplied for all stream crossings
X			Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans
X			Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans

NA — The applicant has completed the surface water discharge alternatives analysis and has supporting documentation, including annualized costs for each technically feasible alternative available for review upon request

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

* **TTL, INC.** can not certify to the construction specification of the sedimentation basin.

Sedimentation basin is incised (within the clay mine). No dam was installed. Alternate analysis not provided because discharges are not new or expanded.

There is no stream crossing.

No discharge into public water supply.

XX. POLLUTION ABATEMENT PLAN (PAP) SUMMARY

Outfall(s): 003

Y	N	N/A	
X			Runoff from all areas of disturbance is controlled
	X	X	Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond
		X	Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage
		X	Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity
		X	Trees, boulders, and other obstructions removed from pond during initial construction
		X	Width of top of dam greater than 12'
		X	Side slopes of dam no steeper than 3:1
		X	Cutoff trench at least 8' wide
		X	Side slopes of cutoff trench no less than 1:1
		X	Cutoff trench located along the centerline of the dam
		X	Cutoff trench extends at least 2' into bedrock or impervious soil
		X	Cutoff trench filled with impervious material
		X	Embankments and cutoff trench 95% compaction standard proctor ASTM
		X	Embankment free of roots, tree debris, stones >6" diameter, etc.
		X	Embankment constructed in lifts no greater than 12"
		X	Spillpipe sized to carry peak flow from a one year storm event
		X	Spillpipe will not chemically react with effluent
	X		Subsurface withdrawal
		X	Anti-seep collars extend radially at least 2' from each joint in spillpipe
		X	Splashpad at the end of the spillpipe
		X	Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream
		X	Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream
		X	Emergency overflow at least 20' long
		X	Side slopes of emergency spillway no steeper than 2:1
		X	Emergency spillway lined with riprap or concrete
X			Minimum of 1.5' of freeboard between normal overflow and emergency overflow
X			Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam
		X	All emergency overflows are sized to handle entire drainage area for ponds in series
		X	Dam stabilized with permanent vegetation
X			Sustained grade of haul road <10%
X			Maximum grade of haul road <15% for no more than 300'
X			Outer slopes of haul road no steeper than 2:1
X			Outer slopes of haul road vegetated or otherwise stabilized
		X	Detail drawings supplied for all stream crossings
X			Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans
X			Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans

NA	The applicant has completed the surface water discharge alternatives analysis and has supporting documentation, including annualized costs for each technically feasible alternative available for review upon request

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

Outfall 003 is not associated with a sediment basin, it is a retention area with check dams that act as a spillway.
Alternatives analysis not provided because dischargers are not new or expanded.
There is no stream crossing.
No discharge into public water supply.

XX. POLLUTION ABATEMENT PLAN (PAP) SUMMARY

Outfall(s): 005

Y	N	N/A	
X			Runoff from all areas of disturbance is controlled
X			Drainage from pit area, stockpiles, and spoil areas directed to a sedimentation pond
X*			Sedimentation basin at least 0.25 acre/feet for every acre of disturbed drainage
X			Sedimentation basin cleaned out when sediment accumulation is 60% of design capacity
X			Trees, boulders, and other obstructions removed from pond during initial construction
X			Width of top of dam greater than 12'
	X		Side slopes of dam no steeper than 3:1
	X		Cutoff trench at least 8' wide
	X		Side slopes of cutoff trench no less than 1:1
	X		Cutoff trench located along the centerline of the dam
	X		Cutoff trench extends at least 2' into bedrock or impervious soil
	X		Cutoff trench filled with impervious material
	X		Embankments and cutoff trench 95% compaction standard proctor ASTM
	X		Embankment free of roots, tree debris, stones >6" diameter, etc.
	X		Embankment constructed in lifts no greater than 12"
		X	Spillpipe sized to carry peak flow from a one year storm event
X			Spillpipe will not chemically react with effluent
X			Subsurface withdrawal
X			Anti-seep collars extend radially at least 2' from each joint in spillpipe
X			Splashpad at the end of the spillpipe
X*			Emergency Spillway sized for peak flow from 25-yr 24-hr event if discharge not into PWS classified stream
		X*	Emergency spillway sized for peak flow from 50-yr 24-hr event if discharge is into PWS classified stream
X			Emergency overflow at least 20' long
X			Side slopes of emergency spillway no steeper than 2:1
X			Emergency spillway lined with riprap or concrete
		X	Minimum of 1.5' of freeboard between normal overflow and emergency overflow
		X	Minimum of 1.5' of freeboard between max. design flow of emergency spillway and top of dam
		X	All emergency overflows are sized to handle entire drainage area for ponds in series
X			Dam stabilized with permanent vegetation
X			Sustained grade of haul road <10%
X			Maximum grade of haul road <15% for no more than 300'
X			Outer slopes of haul road no steeper than 2:1
X			Outer slopes of haul road vegetated or otherwise stabilized
		X	Detail drawings supplied for all stream crossings
X			Short-Term Stabilization/Grading And Temporary Vegetative Cover Plans
X			Long-Term Stabilization/Grading And Permanent Reclamation or Water Quality Remediation Plans

NA	The applicant has completed the surface water discharge alternatives analysis and has supporting documentation, including annualized costs for each technically feasible alternative available for review upon request

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

* **TTL, Inc.** can not certify to the construction specification of the dam. The dam was constructed approximately 15 years ago based upon the
engineering work completed by Engineering Plus, Meridian, Mississippi.
No discharge into public water supply.
There is no stream crossing.

XXI. POLLUTION ABATEMENT PLAN (PAP) REVIEW CHECKLIST

Y	N	N/A	
X			PE Seal with License #
X			Name and Address of Operator
X			Legal Description of Facility
			General Information:
X			Name of Company
X			Number of Employees
X			Products to be Mined
X			Hours of Operation
X			Water Supply and Disposition
			Topographic Map:
X			Mine Location
	X		Location of Prep Plant
X			Location of Treatment Basins
X			Location of Discharge Points
X			Location of Adjacent Streams
			1"- 500' or Equivalent Facility Map:
X			Drainage Patterns
X			Mining Details
X			All Roads, Structures Detailed
X			All Treatment Structures Detailed
			Detailed Design Diagrams:
		X	Plan Views
		X	Cross-section Views
		X	Method of Diverting Runoff to Treatment Basins
			Narrative of Operations:
X			Raw Materials Defined
X			Processes Defined
X			Products Defined
			Schematic Diagram:
X			Points of Waste Origin
X			Collection System
X			Disposal System
			Post Treatment Quantity and Quality of Effluent:
X			Flow
X			Suspended Solids
X			Iron Concentration
X			pH
			Description of Waste Treatment Facility:
X			Pre-Treatment Measures
X			Recovery System
X			Expected Life of Treatment Basin
X			Schedule of Cleaning and/or abandonment
			Other:
		X	Precipitation/Volume Calculations/Diagram Attached
X			BMP Plan for Haul Roads
X			Measures for Minimizing Impacts to Adjacent Stream i.e., Buffer Strips, Berms, etc.
X			Methods for Minimizing Nonpoint Source Discharges
X			Facility Closure Plans
		X	PE Rationale(s) For Alternate Standards, Designs or Plans

IDENTIFY AND PROVIDE DETAILED EXPLANATION FOR ANY "N" OR "N/A" RESPONSE(s):

No alternate standards were employed.
Design plans previously submitted by Engineering Plus, Meridian, MS. TTL cannot verify construction characteristics of the pond.
No prep plant on site.

XXII. INFORMATION

Contact the Department prior to submittal with any questions or to request acceptable alternate content/format. Be advised that you are not authorized to commence regulated activity until this application can be processed, publicly noticed, and approval to proceed is received in writing from the Department.

EPA Form(s) 1 and 2F need not be submitted unless specifically required by the Department. EPA Form(s) 2C and/or 2D are required to be submitted unless the applicant is eligible for a waiver and the Department grants a waiver.

Planned/proposed mining sites that are greater than 5 acres, that mine/process coal or metallic mineral/ore, or that have wet or chemical processing, must apply for and obtain coverage under and Individual NPDES Permit prior to commencement of any land disturbance. Such coverage may be requested via this ADEM Form 315.

The applicant is advised to contact:

(1) The Alabama Surface Mining Commission (ASMC) if coal, coal fines, coal refuse, or other coal related materials are mined, transloaded, processed, *etc.*;
(2) The Alabama Department of Industrial Relations (ADIR) if conducting non-coal mining operations;
(3) The Alabama Historical Commission for requirements related to any potential historic or culturally significant sites;
(4) The Alabama Department of Conservation and Natural Resources (ADCNR) for requirements related to potential presence of threatened/endangered species; and
(5) The US Army Corps of Engineers, Mobile or Nashville Districts, if this project could cause fill to be placed in federal waters or could interfere with navigation.

The Department must be in receipt of a completed version of this form, including any supporting documentation, and the appropriate processing fee (including Greenfield Fee and Biomonitoring & Toxicity Limits fee(s), if applicable), prior to development of a draft NPDES permit. Send the completed form, supporting documentation, and the appropriate fees to:

Water Division
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463
Phone: (334) 271-7823
Fax: (334) 279-3051
h2omail@adem.state.al.us
www.adem.alabama.gov

XXIII. PROFESSIONAL ENGINEER (PE) CERTIFICATION

A detailed, comprehensive Pollution Abatement/Prevention Plan (PAP) must be prepared, signed, and certified by a professional engineer (PE), registered in the State of Alabama as follows:

"I certify on behalf of the applicant, that I have completed an evaluation of discharge alternatives (Item XVIII) for any proposed new or increased discharges of pollutant(s) to Tier 2 waters and reached the conclusions indicated. I certify under penalty of law that technical information and data contained in this application, and a comprehensive PAP Plan including any attached SPCC plan, maps, engineering designs, etc. acceptable to ADEM, for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6 , including Chapter 335-6-9 and Appendices A & B. If the PAP plan is properly implemented and maintained by the Permittee, discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other permit requirements. The applicant has been advised that appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices as detailed in the PAP plan must be fully implemented and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices, permit requirements, and other ADEM requirements to ensure protection of groundwater and surface water quality."

Address TTL, Inc. 3516 Greensboro Ave. Tuscaloosa, AL 35401

PE Registration # Alabama License No. 20128

Name and Title (type or print) Sheryle G. Reeves

Phone Number (205)-345-0816

Signature Sheryle Reeves

Date Signed 5-22-13

XXIV. RESPONSIBLE OFFICIAL SIGNATURE

This application must be signed by a Responsible Official of the applicant pursuant to ADEM Admin. Code Rule 335-6-6-.09 who has overall responsibility for the operation of the facility.

"I certify under penalty of law that this document, including technical information and data, the PAP plan, including any SPCC plan, maps, engineering designs, and all other attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the PE and other person or persons under my supervision who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations.

A comprehensive PAP Plan to prevent and minimize discharges of pollution to the maximum extent practicable has been prepared at my direction by a PE for this facility utilizing effective, good engineering and pollution control practices and in accordance with the provisions of ADEM Admin. Code Division 335-6, including Chapter 335-6-9 and Appendices A & B, and information contained in this application, including any attachments. I understand that regular inspections must be performed by, or under the direct supervision of, a PE and all appropriate pollution abatement/prevention facilities and structural & nonstructural management practices or Department approved equivalent management practices identified by the PE must be fully implemented prior to and concurrent with commencement of regulated activities and regularly maintained as needed at the facility in accordance with good sediment, erosion, and other pollution control practices and ADEM requirements. I understand that the PAP plan must be fully implemented and regularly maintained so that discharges of pollutants can reasonably be expected to be effectively minimized to the maximum extent practicable and according to permit discharge limitations and other requirements to ensure protection of groundwater and surface water quality. I understand that failure to fully implement and regularly maintain required management practices for the protection of groundwater and surface water quality may subject the Permittee to appropriate enforcement action.

I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form.

I further certify that the discharges described in this application have been tested or evaluated for the presence of non-stormwater discharges and any non-mining associated beneficiation/process pollutants and wastewaters have been fully identified."

Name (type or print) Scott Hendry

Official Title Senior Operations Manager

Signature

Date Signed 5/24/2013

*335-6-6-.09 Signatories to Permit Applications and Reports.

(1) The application for an NPDES permit shall be signed by a responsible official, as indicated below:
   (a) In the case of a corporation, by a principal executive officer of at least the level of vice president, or a manager assigned or delegated in accordance with corporate procedures, with such delegation submitted in writing if required by the Department, who is responsible for manufacturing, production, or operating facilities and is authorized to make management decisions which govern the operation of the regulated facility;
   (b) In the case of a partnership, by a general partner;
   (c) In the case of a sole proprietorship, by the proprietor; or
   (d) In the case of a municipal, state, federal, or other public entity by either a principal executive officer, or ranking elected official.

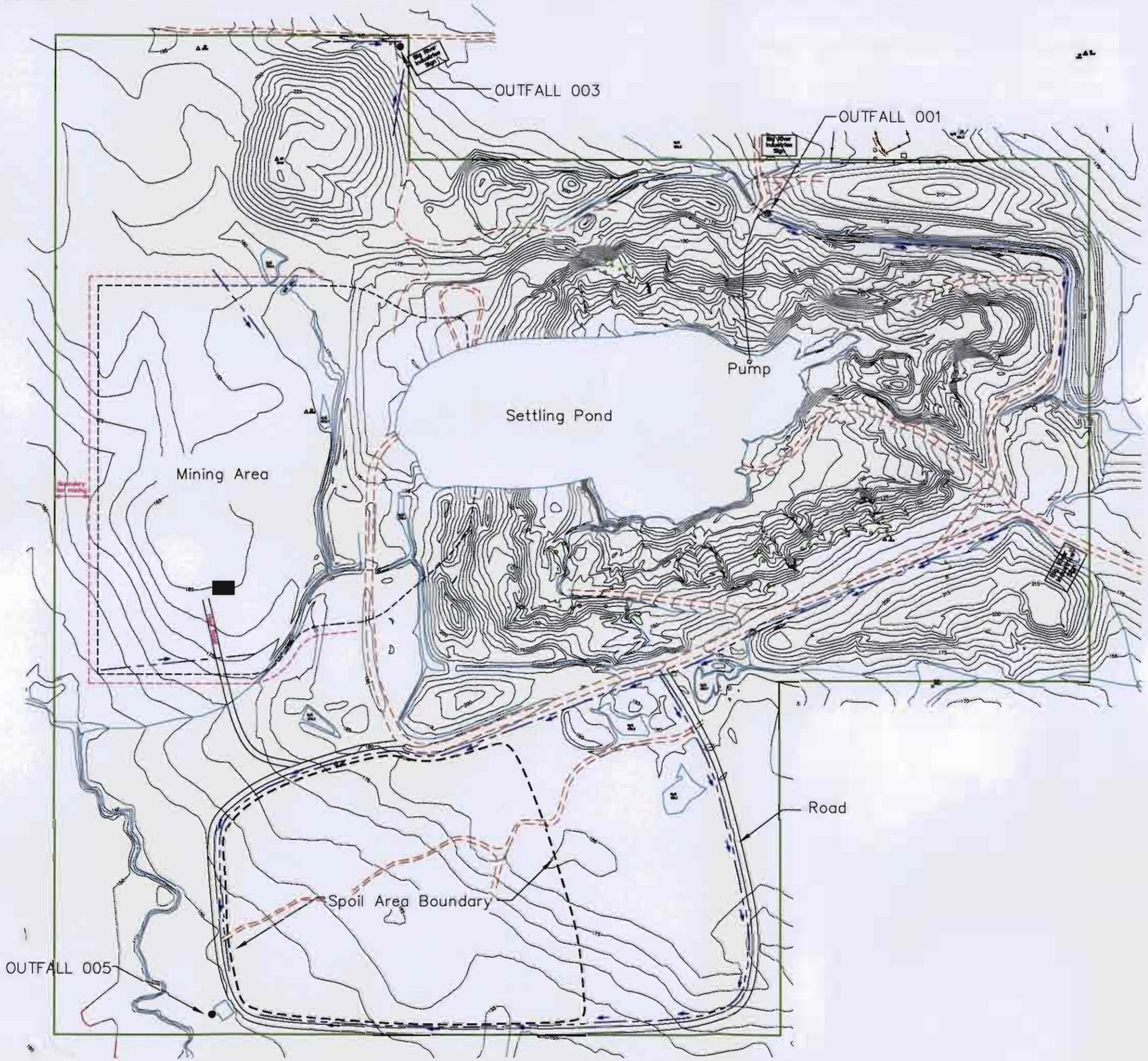
Source: USGS Boyd 7.5 Minute Quadrangle Map, 1974 (Photorevised 1987)
USGS Livingston 7.5 Minute Quadrangle Map, 1974 (Photorevised 1986)

TTL
3516 Greensboro Avenue ■ Tuscaloosa, Alabama 35401
205.345.0816 ■ Fax 205.343.0619

TTL PROJECT NO: 600112016
PROJECT DATE: 05/20/2013

Figure 1. Site Location and Topographic Map
SW 1/4, Sec. 14; E 1/2, SE 1/4, Sec. 15; NE 1/4, NE 1/4, Sec. 22; NE 1/4, NE 1/4, Sec. 23;
T. 18 N., R. 3 W., of the Boyd 7.5 Minute Quadrangle Map
Notice of Intent (NOI)
Big River Industries, Inc. - Livlite® Division, Clay Mine
NPDES Permit Number AL0055913
Highway 11
Livingston, Sumter County, Alabama

1" = 2000'
(Approximate)



LEGEND

N

OUTFALL 001
OUTFALL 003
OUTFALL 005 — Discharge Locations

Mobile Fuel Tank

Haul/access road

Property Boundary

Mining Area

Disturbed Area

Diversion Ditches with directional flow

Big River Industries Sign — Facility Sign

0′ 400′ 800′

TTL

3516 Greenbrier Avenue • Tuscaloosa, Alabama 35401
205.345.0816 • fax 205.345.0992

SCALE: 1" = 400'	TTL PROJECT NO.: 600112016
DRAWING PATH: T:\Projects\2012\600112016 Big River NPDES\Clay Mine\Figures\ClayMine Fig 2 Site.dwg	
DATE CREATED: 05/20/2013	DATE REVISED: n/a — REVISION NUMBER: n/a
DRAWN BY: mjc	CHECKED BY: SLT
DRAWING SOURCE: Southern Resource Mapping	

Figure 2. Site Map

Notice of Intent (NOI)
Big River Industries, Inc.
Livlite® Division, Clay Mine
NPDES Permit Number AL0055913
Highway 11
Livingston, Sumter County, Alabama

Pollution Abatement and Prevention Plan

Big River Industries, Inc.

Livlite® Division, Clay Mine

NPDES Permit Number AL0055913

Highway 11

Livingston, Sumter County, Alabama

Prepared by:

TTL, Inc.

3516 Greensboro Avenue

Tuscaloosa, Alabama 35401

May 22, 2013

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Appendices

1.0 INTRODUCTION

This Pollution Abatement and Prevention (PAP) Plan is a required part of an application for a National Pollutant Discharge Elimination System (NPDES) Permit. This PAP was developed for Big River Industries, Inc., hereinafter referred to as Big River. Big River operates the Livlite® Division Clay Mine off of Highway 11 southwest of Livingston, Alabama.

The objective of this Plan is to develop a means to manage operations at the Big River Livlite® Division Clay Mine in an environmentally prudent manner. This Plan identifies potential sources of pollutants and prescribes a series of Best Management Practices (BMP's) or control measures to minimize or eliminate the discharge of pollutants in storm water runoff. The program outlined in this Plan emphasizes pollution prevention and, particularly, implementation of BMPs. BMPs, as suggested by the United States Environmental Protection Agency (USEPA), include: inspections, spill prevention, good housekeeping, training, material management, segregation of areas of concern, recycling, and treatment/disposal of waste.

Topics covered in this Plan include procedures and systems to protect storm water run-off from exposure to potential contaminants. The Plan also includes response procedures for a number of possible events such as oil spills, chemical spills or releases of hazardous material or hazardous waste. If a spill occurs on site, the objective of this Plan is to provide the tools for success in responding immediately. It is essential that manpower, equipment, and materials are allocated and available to both control and contain contaminants to insure effective environmental management and compliance.

This PAP is presented in seven sections. Section 1.0 – Introduction provides an overview of the objectives and basis of the Plan and a summary of the Plan contents. Section 2.0 – Description of Discharges, identifies the pollutants and their routes of exposure that could adversely impact surface-water quality. Section 3.0 - Structural Controls addresses the physical attributes of the facility that have been constructed and/or maintained to minimize pollution. Section 4.0 – Non-Structural Controls, describes administrative and operational procedures such as inspections and training, which will help assure compliance with this Plan. Section 5.0 – Spill Control Procedures, describes response procedures and available emergency equipment. Section 6.0 – Monitoring Requirements, addresses inspection and recordkeeping requirements. Section 7.0 – Reclamation Procedures, provides guidance on facility maintenance once mining is complete in an area. The narrative descriptions included herein are intended to address the format as outlined by the ADEM Admin. Code R. 335-6-9.

1.1 Facility Description

The Big River Livlite® Division Clay Mine is in located in the southwest 1/4 of Section 14, the east 1/2 of the southeast 1/4 of Section 15, the northeast 1/4 of the northeast 1/4 of Section 22 and the northwest 1/4 of the northwest 1/4 of Section 23, all in Township 18 North, Range 3 West and shown on the Boyd, Alabama U. S. G. S., 7.5 minute topographic map (see Figure 1). A legal description (Property Record Cards and State Issued Mining Permit) for the facility is provided in Appendix A. The facility is comprised of parcels having the following identification numbers:

60-22-05-15-0-000-002-010	60-22-06-14-0-000-035.000
60-22-05-22-0-000-001.000	60-22-06-23-0-000-004.000

The responsible officials are listed below:

Operator Address:	Big River Industries, Inc. P.O. Drawer V Livingston, Alabama 35470
Plant/Facility Manager:	Danny McElroy Big River Industries, Inc. P.O. Box 162 Cuba, Alabama 36907
Senior Operations Manager:	Scott Hendry 305 Country Club Drive Livingston, Alabama 35470

The Big River Livlite® Division Clay Mine mines Porters Creek Clay. The mining operation typically employs approximately twelve (12) employees, three (3) direct and nine (9) indirect.

A copy of a portion of the 1987 Boyd, Alabama, 7.5 minute U.S.G.S., topographic map, which shows the Livlite® Division Clay Mine area and streams and creeks in the vicinity of the mine, is shown on Figure 1. The Big River Livlite® Division Clay Mine encompasses about a 301-acre site situated north of Bear Creek. The Livlite® Division Clay Mine operations should be conducted so that significant changes to natural drainageways do not occur.

1.2 History of Significant Spills and Leaks

There are no known spills or leaks to report. In the event significant spills occur while this Plan is in effect, a review of the plan will be conducted to determine if the procedures outlined in the plan were followed and were applicable.

2.0 DESCRIPTION OF DISCHARGES

2.1 Petroleum Storage Systems

Potential pollution exposure at the site may be associated with a portable aboveground storage tank (AST), fuel and oil handling areas, and equipment spills and leaks. One portable AST (1,000-gallon diesel AST) may be located at the site. In addition, a few 55-gallon drums of oil and tubes of grease may be in use at the site periodically. The AST and drums will be constructed of steel which is compatible with the product stored, and is appropriate for pressure and temperature ratings. Although the facility's anticipated quantity of oil/petroleum on site is less than 1,320 gallons and therefore is not regulated under 40 CFR 112 requirements, it is recommended that a past discharge history be maintained with the facility's PAP Plan. Discharge notification and contact information is provided in Section 5.0.

2.1.1 Potential for Hazardous Material Exposure

Potential hazardous material exposure may result if spills occur when product is being transferred to or from the tank/containers, or if the AST system fails or is damaged. These hazardous materials include diesel fuel and lubricants and are considered hazardous due to their flammability.

2.1.2 Pollution Prevention System

As part of the pollution prevention system, the AST will be clearly labeled and situated in a plastic lined earthen berm.

In the event product is spilled, immediate containment will be administered by using drip pans, or absorbent materials. Generated waste materials will be appropriately containerized, labeled, stored and disposed and/or recycled consistent with applicable federal, state and local regulations governing such waste material. In the event of AST or fuel dispensing system failure or damage, immediate action will be taken to mitigate the release and implement corrective action procedures as dictated by site conditions and regulatory requirements. As part of the pollution prevention system, significant material product containers brought to the facility will be inspected prior to acceptance to minimize the possibility of system failure. In addition, all waste materials associated with the use of cleaning products will be appropriately containerized, labeled, stored, disposed and/or recycled consistent with applicable federal, state, and local regulations governing such waste material.

2.2 Process Wastewater

No supply water is used as part of the process. Wastewater from the mining operation consists of groundwater encountered during mining and stormwater runoff from the facility. Water discharges from the site are through three (3) outfalls (001, 003, and 005) to an unnamed tributary of Bear Creek under NPDES Permit Number AL0055913 (refer to Figure 2).

2.3 Stormwater Runoff and Ground Water Control

The groundwater encountered during mining and stormwater runoff from areas in the vicinity of the clay mine collect in a settling pond in the northeast part of the clay mine. The settling pond provides a means of treatment (settling) for the groundwater and stormwater that collects in the pond by

allowing solids to settle out of the water. Water which collects in the clay mine settling pond is discharged through outfall 001. Approximately 176 drainage acres will flow toward outfall 001. The water is pumped out of the settling pond about 18 inches below the surface using a Durco centrifugal pump. Operation of the pump varies depending on the level of the pond. Typically the pump operates about 120 days per year. The depth of the pond varies from about 40 feet deep during the winter months to about 3 feet deep during the summer. The potential discharge rate from the pond is about 864,000 gallons per day. The expected life of the sedimentation pond is the life of the project.

Outfall 003 collects stormwater from the northernmost part of the Big River Industries clay mine property. Approximately 31 drainage acres will flow toward outfall 003. The stormwater includes runoff from the gravel road that runs along the northern boundary of the property and runoff from a reclaimed spoil pile. The spoil pile has been revegetated and planted in pine trees. Runoff from the gravel road and spoil pile flow into a manmade ditch that extends along the gravel road. Stormwater velocity is slowed by a horseshoe-shaped bend in the ditch. Sediments settle in the bend of the ditch. As needed, sediments will be dredged from the horseshoe-shaped bend and placed in the active spoil pile. A rip-rap check dam was constructed downstream of the bend to control the sediments in stormwater from 003 by increasing the retention time of water in the horseshoe-shaped bend. The rip-rap check dam will be constructed in accordance with the check dam specifications outlined in Chapter 3 of the Alabama Erosion Control Handbook by the Alabama Soil and Water Conservation Committee. Because the ditch leading to 003 is manmade, the rip-rap check dam can be installed and the ditch can be maintained without a permit from the Corp of Engineers. The depth of water in the sediment trap and the volume of water discharged through 003 depend on rainfall in the area. The expected life of the sediment trap is the life of the project.

Outfall 005 is in the southwest corner of the Big River Industries property and collects stormwater from the southern part of the site. Approximately 75 drainage acres will flow toward outfall 005. Stormwater discharged through 005 includes runoff from a gravel road and revegetated spoil pile south of the active mine. Runoff from these areas flows to a sedimentation pond southwest of the overburden pile. The discharge from the sedimentation pond is controlled by an overflow spillway in the pond. The depth of the pond and volume of water discharged depends on rainfall in the area. The expected life of the sedimentation pond is the life of the project. **Note:** Accumulated sediments will be removed from the pond when the sediment levels account for approximately 60 percent of the pond's liquid capacity. The removed sediments will be placed in one of the overburden piles, where appropriate erosion controls will be maintained as described in Section 3.3 until vegetation has been established. Sediments that will accumulate in the site pond will include sediments in storm water runoff from overburden piles, haul roads, and the plant site.

Refer to Appendix B for a schematic diagram showing the origin of the stormwater runoff and the associated outfall into which it is directed.

Overburden, a generally unusable material to be generated at the Livlite® Division Clay Mine, is the layer of soil on top of the Porters Creek Clay to be mined at the facility. Overburden at the Big River Livlite® Division Clay Mine is used in the construction of berms. The remaining overburden material is placed in spoil piles in inactive areas on the southwestern portion of the facility. When the spoil piles are completed, the spoil material will be graded and revegetated. If possible, grading should not be conducted during the month of July or the months of November through February because these months are not suitable for revegetation; therefore, the potential for erosion is high. Temporary seeding should be conducted immediately after all grading operations. All revegetation at the site

should be in accordance with Chapter 4 of the Alabama Erosion Control Handbook. In order to reduce erosion, the slopes of the completed and graded spoil piles should not exceed a 2 to 1 ratio.

2.4 Other Waste Materials

There are no other known waste materials produced at the facility.

3.0 POLLUTION PREVENTION - STRUCTURAL CONTROLS

3.1 Introduction

The facility has proposed structural controls to assist in pollution prevention management. These controls include the use of storm water detention/settling ponds. A letter has been provided to document TTL's observations of the dam associated with Outfall 005 (see Appendix C). An evaluation of the pond's capacity and ability to handle a 25 year, 24 hour storm event was not performed by TTL. Based on interviews with site personnel, the discharge pipe is adequately sized to pass all but the most severe rain events.

3.2 Stormwater Diversion Methods

Stormwater runoff generally follows site topography. The facility is graded such that storm water from the disturbed areas of the site generally will flow into the on-site sedimentation pond or excavated pit. The disturbed areas are considered to be areas where Livlite® Division Clay Mining activities are taking place, overburden piles, plant site, haul roads, and any other areas where the natural vegetation has been removed or damaged. The site map (Figure 2) shows topography and diversionary structures. Drainage from spoil, stockpile areas, excavation areas, loading areas, fuel areas, and other areas of disturbance related to the mining site are directed to the pit prior to being pumped for discharge or to the sedimentation pond. Minor areas of disturbance that drainage cannot feasibly be routed to a pit or settling pond will be graded and will be vegetated with annual and perennial grasses and will have effective Best Management Practices (BMP's) for the control of non-point source pollution fully implemented and maintained at all times.

3.2.1 Sediment Pond Construction Criteria

The detention/settling pond(s) should at a minimum provide 0.25 acre-feet of storage for every acre of disturbed land draining to the pond(s).

The embankment for detention/settling pond(s) should be designed and built using the following guidelines:

- The top of the dam should be no less than 12 feet wide.
- The slope on either side of the dam should be no steeper than 3:1, or design/construction based upon prudent engineering practices.
- The dam should be constructed with a cut off trench no less than 8 feet wide, or design/construction based upon prudent engineering practices. Side slopes of the trench should be no less than 1:1.
- The entire embankment shall be compacted to 95% density, based on standard proctor as outlined in ASTM.
- Material placed in the embankment should be free of sod, roots, stones (> 6-inch diameter) and other objectionable materials.
- Fill material should be placed and spread over the entire fill area, beginning at the lowest point of the foundation, in layers/lifts no greater than 12-inches in thickness.
- Construction of the fill should be conducted only during times that the moisture content of the fill material will permit satisfactory compaction (95% density).
- Hay bales or rip rap should be placed at the toe of the dam/embankment immediately upon completion of its construction

- The dam and all disturbed areas should be seeded with both perennial and annual grasses, fertilized, and mulched to promote vegetative growth and minimize erosion. At least 80% coverage of annual and perennial grasses will remain established on the embankments of the pond.

Spillpipes associated with the detention/settling pond(s) will be utilized according to the following guidelines:

- The spillpipe should be sized to adequately carry the expected peak flow from a one-year frequency storm.
- The spillpipe should be composed of a material capable of withstanding chemical reactions associated with the quality of the anticipated discharge.
- The spillpipe should be placed, constructed, or equipped with a device to ensure subsurface withdrawal is accomplished in order to avoid discharge of floating solids.
- The spillpipe should be equipped with anti-seep collars at each joint which radiate at least two feet from the pipe in all directions and have watertight collars and connections, unless otherwise designed/constructed based upon prudent engineering practices.
- A splashpad or riprap apron should be placed at or beneath the discharge of the spillpipe(s) to prevent erosion of the dam/embankment.

Emergency spillway(s) associated with the detention/settling pond(s) will be designed/constructed according to the following guidelines:

- The emergency spillway should be designed to safely carry the expected peak flow from a 25-year, 24-hour storm (or shorter duration). For spillways that are in the drainage course of a public water supply the 50-year, 24-hour storm (or shorter duration) should be used for emergency spillway design. The slope of the access to the emergency overflow should not exceed 3%.
- The emergency overflow should be constructed with a control section at least 20-feet long.
- Side slopes of the emergency overflow should not be steeper than 2:1.
- The emergency overflow should be covered with riprap or concrete to prevent erosion.
- There should be a minimum of 1.5-feet of freeboard between the normal overflow and the emergency overflow. At least 1.5 feet of freeboard should also be between the maximum design flow elevation in the emergency overflow and the top of the dam.
- Emergency overflow should be designed for each basin in a series to accommodate the entire drainage area.

Diversion channels and diversion berms will be designed and built using the following guidelines:

- Diversions should be designed, constructed, and maintained in a manner which prevents additional contributions of suspended solids to stream flow and to offsite runoff. Sediment control measures may include appropriate grading and slope, channel lining, vegetation, stabilization structures (gravel/riprap), and detention ponds.
- Embankments or berms will be compacted to 95% density, based on standard proctor as outlined in ASTM.
- Diversion channels and berms should be located in areas of existing landslides or in areas that would increase the potential for landslides.
- Berms and channels should be examined periodically, particularly after significant rain events, for evidence of structural weakness, instability, or erosion. Maintenance should be performed as necessary.

- Upon restabilization of an area, when the diversion channel/berm is no longer utilized, the channel/berm will be removed and the affected area will be regarded and stabilized with vegetation.

3.3 Sediment and Erosion Controls

The potential for contributing sediments to storm water at the facility is minimized by implementing the following Best Management Practices:

a) Where appropriate, provide asphalt/concrete vehicle loading pads in areas of heavy vehicle traffic. This practice prevents and minimizes exposure of soil in high traffic areas.

b) Where possible, stabilize the perimeters of the active areas by surface roughening, seeding, mulching, or placing sod. These practices can significantly slow the rate of storm water runoff and decrease the sediment load in runoff waters.

- Surface roughening will be applied to slopes that are greater than 3:1 to aid in the establishment of vegetative cover. Roughening reduces runoff velocity and increases infiltration, which reduces erosion and provides for sediment trapping.

- Establishment of a vegetative cover will be in accordance with guidelines set forth in the Alabama Handbook for Erosion Control, Sediment Control, and Stormwater Management, Chapter 4, Vegetation for Erosion and Sediment Control.

- Mulching is the placement of a protective layer of straw or other suitable material to the soil surface. The mulch is used in conjunction with seeding for the establishment of permanent vegetative cover. Mulching can also be used to protect bare or disturbed soil areas that have not yet been seeded. On steep slopes, or where the mulch may be susceptible to movement, the material will be hydraulically applied or will be appropriately anchored.

c) Where appropriate, temporary diversion devices will be installed to control storm water runoff until vegetation has been established. These diversion devices include silt fences, hay bales, and rock check dams. Additionally, flocculent may be applied, as necessary to improve water quality. Temporary diversion devices will be used during construction activities and around spoil piles until vegetative cover can be established.

- Silt fences detain sediment by ponding water and allowing sediment to settle out. Silt fences will be placed where the slopes allow only for sheet flow to occur. The size of the drainage area will be no greater than ¼ acre per 100 linear feet of silt fence, with the maximum flow path length above the barrier to be 100 feet. The maximum slope gradient above a silt fence will be 2:1.

Silt fences will be placed along contours or approximately two feet from the toe of a slope, and not within waterways.

- Straw bale dikes or wattles intercept and detain small amounts of sediment transported by sheet type runoff. The dikes detain sediment by ponding water and allowing sediment to settle out. Straw bale dikes and wattles also slow runoff velocities, thus reducing sheet and rill erosion. The straw bale dikes and wattles will be used on slopes no greater than 2:1, with maximum slope lengths above the barrier of 100 feet. The bales or wattles will be placed along a slope contour or at the toe of the slope.

- Rock check dams intercept channelized flow to reduce the velocity. Reducing the velocity of the runoff will aid in minimizing erosion within a drainage way, and will promote sediment to drop out of the water. Rock check dams may be placed in drainage structures if excessive erosion is noted, especially in areas where the flow changes direction. Additionally, check dams may be placed near the inlet of a sediment basin.

d) Vehicle operators will be advised to maintain slow speeds.

3.4 Haul Road

The access and haul roads should have a sustained grade of no greater than 15% for 300 feet. There should not be more than 300 feet of 15% maximum grade for each 1,000 feet of road constructed. The outer slope should be no steeper than 2:1 and will maintain 80% coverage of annual and perennial grasses. Where this is not possible, basins, hay filters, or diversion ditches should be cut, built, or placed strategically to intercept stormwater runoff.

Effective BMPs have been installed and will be maintained at all times. The roads are crowned and properly ditched. In addition, the haul roads are located such that the majority of the drainage goes to a permitted detention/settling pond. There is no permanent stream crossing at this facility. If it becomes necessary to construct a stream crossing, design plans will be submitted to the ADEM for review.

3.5 Buffer Zones

The topographic map (Figure 1) submitted as part of this plan shows all water bodies. The mining operation provides a minimum 50-foot buffer zone around the neighboring property boundaries. If a buffer zone cannot be maintained, the ADEM will be contacted regarding construction of a designed berm.

3.6 Spill Prevention Control & Countermeasures

Spill prevention and response procedures involve appropriate management and/or site control measures aimed at preventing spills from occurring, and limiting the impact of a spill to the environment should one occur. The anticipated quantity of oil/petroleum on site is less than 1,320 gallons and therefore is not regulated under 40 CFR 112 Spill Prevention Control and Countermeasures (SPCC) Plan requirements. However, non-structural controls and spill prevention and response procedures are described in Sections 4.0 and 5.0.

4.0 NON-STRUCTURAL CONTROLS

4.1 Introduction

The facility has established a number of non-structural controls to assist in pollution prevention management. These controls include employee training and records retention, written material handling practices, a definitive program for routine inspections and spill control procedures.

4.2 Preventive Maintenance

Facility management recognizes the importance of properly maintaining facility equipment and systems. As such, management supports completion of necessary and appropriate maintenance activities recommended by equipment manufacturers. BMPs are to be inspected weekly during periods of no rain, and daily during rainfall events. Also, trucks are to be inspected prior to departing the site to ensure tires are not muddy. Personnel are to inspect Highway 11 in the vicinity of the site daily, and remove mud/soil clods that may be present.

4.3 Non-Storm Water Discharges

No process water is used onsite. No non-stormwater discharges are associated with the facility operations.

4.4 AST Loading and Dispensing Procedures

At a minimum, Department of Transportation (DOT) standards for unloading, loading, transporting, and labeling will be specified. The following is a summary of the unloading and loading procedures for tank systems at the facility:

4.4.1 Bulk Loading

Bulk loading of the systems is executed as follows:

- verify the amount of product remaining within the tank;
- connect the transfer hose from the tanker truck to the fill pipe;
- observe the sight gauge on the drop spout when product is transferred;
- discharge a metered volume of product into the tank;
- visually monitor the transfer of product into the tank; and
- verify the volume of product in the tank at the end of the filling process.

Please note that it is the responsibility of the vendor to visually monitor the transfer of product into the tank.

4.5 Material Handling Procedures

Although material delivery (other than diesel, motor oil, and grease) is unanticipated for use at the facility, it should be noted that any packages, product delivery vehicles, and maintenance vehicles should be inspected upon arrival and prior to the unloading of any significant materials. Visual

inspection of the process is performed by the vendor and also observed by a qualified facility employee.

4.5.1 Minimization of Exposure During Handling, Shipping, or Loading

The facility will follow standard loading and unloading procedures to prevent releases. In addition, loading and unloading areas will be inspected as part of the routine facility inspections.

4.5.2 Minimization of Exposure During Equipment Maintenance Activities

All maintenance activities on machinery, equipment, or vehicles is conducted indoors in an area not exposed to precipitation where feasible. If maintenance is conducted outdoors, appropriate spill containment is readily available.

4.5.3 Develop Response Planning

This plan outlines control procedures. All facility personnel are to be trained in these procedures annually and emergency equipment for response to releases is located in each building. Should the anticipated quantity of oil/petroleum on site exceed 1,320 gallons and therefore be regulated under 40 CFR 112 Spill Prevention Control and Countermeasures (SPCC) Plan requirements, an SPCC Plan should be developed for the site.

4.6 Training Program

Personnel responsible for implementing and maintaining the Plan must receive proper training, understand their duties and function, and fulfill their duties in a safe and timely manner

Appropriate personnel at all levels of responsibility at the facility are trained to understand the goals of this Plan. This training is essential for each employee. Personal and corporate responsibilities, use of pollution prevention systems, proper storage, use and labeling of potentially hazardous materials, soil erosion control, requirements for routine preventive maintenance, proper waste characterization and disposal, and notification requirements and spill response measures are all vital elements of the training.

4.7 Inspections

Inspections of structural and non-structural controls will be conducted as specified in Section 6.0 – Monitoring Requirements.

4.8 Records

Records required by this Plan will be maintained on file for a period of at least five years. The following is a list of records to be maintained on file:

Inspections and Training Checklists

Appendix D contains the following forms that are maintained and utilized for inspections and training:

- Routine Inspection Report
- Corrective Actions for Release Incidents
- Employee Training Report
- Employee Training Confirmation

Semi-Annual Report

Records documenting the results of the Compliance Evaluation Inspection are to be maintained. Non-compliance issues are to be addressed, and the status and corrective action implemented are to be documented.

Descriptions of Spills or Leaks

Appendix D contains a form called the Corrective Actions for Release Incidents. At any time a spill or leak occurs, a record will be kept of the incident including the date, volume of the release, and the corrective actions implemented.

5.0 SPILL CONTROL PROCEDURES

Spills/releases of petroleum products that occur at the facility will be cleaned up immediately upon discovery. In the event of a release, the facility manager will be notified immediately, and the following steps will be taken, provided the response to the event falls within the training and experience of the on-site team:

- Attempt to determine the source, volume and extent of the release;
- Determine the safest and quickest way to stop the release (i.e., provide appropriate containment, pump product out of leaking tank into a structurally sound tank, etc.);
- Contain the release as close to the source as possible. This can be done by using an earthen berm, a ditch, a boom, or other means to restrict the flow of the fluid;
- After the flow of the product has been restricted, remove the product;
- If a small volume of product is spilled inside a secondary containment area, absorbent booms, absorbent pads, oil dry or other suitable material will be used to absorb the product. For larger volumes of product, a pump, bucket, or other similar equipment will be used to transfer the product into a structurally sound container, and from there it can be properly disposed;
- In the event of a release of product that reaches the soils outside of a secondary containment area, absorbent materials will be used to remove the product. Recovered petroleum products will be used, if possible, or transported to a permitted recycling or disposal facility. If possible, spill residue will be placed in a DOT-approved 55-gallon drum for transportation and disposal.
- Prior to disposal of materials used to cleanup spills (sawdust, oil-dry, booms, etc.), the facility Environmental Manager will be contacted for approval of the disposal method. Oil-contaminated absorbent materials will be disposed of in accordance with ADEM regulations.

In the event responding to a release is beyond the scope of training and experience of the on-site team, outside response agencies (e.g., Fire Department, emergency response contractor) will be notified.

Reportable spills, releases or discharges require the notification of certain regulatory agencies. These agencies and their telephone numbers are provided within this section.

The Responsible Person, or his designee, will complete a notification of the release or discharge to the authorities immediately upon his knowledge of the release, but in no case shall notification occur more than 24 hours following the release. The information required to be reported is provided in this section. Notification scenarios are as follows:

- If spilled oil escapes secondary containment, and results in a sheen on the nearest stream, creek or river, then notification by telephone must be made to the NRC at (800) 424-8802 and ADEM at (334) 271-7700.

- If the spilled oil escapes secondary containment, and a rain event or storm is imminent, then a release to the nearest stream, creek or river is likely and the NRC and ADEM will be notified.

The duty officer taking the phone call at these agencies may require further actions or reporting requirements.

IN THE EVENT OF A DISCHARGE TO THE NEAREST RECEIVING WATER CONTACT:

Facility Response Coordinators:

Contact:	Scott Hendry/Senior Operations Manager	(205) 361-2196
Alternate Contact:	Mr. Danny McElroy/Plant Manager	(205) 652-9688

AGENCY	TOLL FREE NUMBER	REGULAR NUMBER
U.S. National Response Center (NRC)	(800) 424-8802	(202) 426-2675
Alabama Emergency Management Agency (EMA)	(800) 843-0699	
Alabama Department of Public Safety		(334) 242-4378
Alabama Department of Environmental Management (ADEM)	(800) 424-9300	(334) 260-2700

If oil is discharged to a creek or stream, or if oil is discharged to soil outside of secondary containment (concrete pad and curbing) and a rain event is imminent, call all agencies listed above. If oil is discharged to soil outside of secondary containment (concrete pad and curbing) and no rain event is imminent, notify either ADEM (business hours) or Alabama EMA (after hours).

The following information should be reported by telephone to ADEM and to the NRC:

1. Name of the person reporting the spill
2. Company: Big River Industries, Inc.
3. Mailing Address: P. O. Drawer V, Livingston, Alabama 35470
4. Company Telephone Number: (205) 652-9688
5. Facility Telephone Number: (205) 652-9688
6. Date and time of the spill:

7. Facility address and location of the spill: north of Highway 11, Livingston, Alabama 35470
8. Description of the material(s) spilled:
9. Estimated quantity of material(s) spilled:
10. Source of spill (e.g., tank):
11. Cause of spill (e.g., tank rupture, tank overfill):
12. Description of all affected media:
13. Damages or injuries caused by the spill:
14. Actions being taken to stop, remove, and mitigate the effects of the spill:
15. Whether an evacuation may be needed:
16. Nearest receiving stream: unnamed tributary of Bear Creek

6.0 MONITORING REQUIREMENTS

6.1 Introduction

In order to maintain coverage under the NPDES permit, certain monitoring requirements must be met. Monitoring includes both visual inspections and storm water sampling.

6.2 Standard Monitoring Requirements

The facility will strive to maintain discharges within the permit requirements. The current operating NPDES Permit outlines discharge limitations for pH and total suspended solids (TSS). The pH is expected to be between 6 and 9 standard units (s.u.), as required by the permit. TSS should remain below 35 mg/L, as required by the permit.

6.3 Routine Inspection

The facility will be inspected on a periodic basis as provided by this Plan. These periodic inspections will include a survey of the facility to identify areas, procedures, and/or practices, which may cause contamination or storm water runoff. Wherever possible, this inspection will coincide with other routine inspections required by other operational plans already in place at the facility. Facility personnel performing periodic inspections will be properly trained.

Routine Inspections will be performed as part of the facility's normal operations at least as often as the applicable sampling frequency specified in the permit: each quarterly (three month) monitoring period if a discharge occurs at any time during the quarterly monitoring period from each permitted point source which results from direct pumped drainage from surface drainage or if the final effluent is pumped in order to discharge.

6.4 Monitoring in the Presence of Exposed Materials After a Release

If the facility has a release of a Water Priority Chemical (WPC) that is subject to §313 of SARA Title III, or if the facility has WPCs exposed to stormwater, then the facility is required to sample the stormwater discharges associated with the release or exposure. The samples are to be analyzed for each of the constituents, which will indicate the presence of all WPCs released or exposed. At the time of each sampling, flow is to be estimated or a reading from a rain gauge recorded. Sampling shall occur twice a year and shall continue until it is demonstrated that the WPCs are no longer present in any discharged associated with the release or exposure.

Currently this facility does not use or store any of the Section 313 listed chemicals. However, sampling may be required in the event of a surface spill of a petroleum product in a quantity above the reporting limit.

6.5 Monitoring Records

Records of all sampling and analysis shall include the date, exact place, and time of the sampling and measurements. Records will also be made of who performed the sampling, the procedures used for sample collection and preservation, who conducted the analysis, and the date and time of the analysis. Records will include references and written procedures, when available, for the analytical techniques or methods used for analysis, as well as the results.

6.6 Operation Records

6.6.1 System Design and Procedure Changes

Should routine, specific, or compliance evaluation inspections require a design or procedural change in the conveyance of stormwater runoff or materials handling, these changes will be documented in this Plan. System design and procedure changes may be cross-referenced in other record-keeping sections, especially when procedural changes require the notification and training of employees or subcontractors in new methods.

6.6.2 Corrective Actions For Release Incidents

During implementation of this Plan, the effectiveness of corrective action, if necessary, will be reviewed periodically. The results of these reviews will be included in the ongoing employee training.

6.6.3 Record-Keeping and Internal Reporting

The facility will establish a reporting and filing system to document inspections, employee and subcontractor training, system design changes and corrective actions for spill incidents or adverse stormwater impacts. These records will be maintained and controlled by Mr. Danny McElroy.

7.0 RECLAMATION PROCEDURES

As mining is completed in an area, the area will be dressed to eliminate piles of dirt, or low areas that will hold water, with terraces to keep erosion to a minimum, and grassed. A sump shall be maintained at the low end of all reclamation work until a satisfactory stand of grass is obtained.

During construction and reclamation, erosion control measures such as hay bales, riprap, cleared trees, and other acceptable methods will be utilized as needed to minimize erosion.

CERTIFICATION

I certify under penalty of law that I am a registered professional engineer familiar with Alabama Department of Environmental Management Administrative Code R 335-6-9, regarding pollution control from surface mining operations. This Pollution Abatement Plan was prepared in accordance with good engineering practices. I understand that there are significant penalties for submitting false information, up to and including fine and imprisonment. To the best of my knowledge and belief, all of the information in this Pollution Abatement Plan is true, accurate and complete.

ALABAMA REGISTERED No. 20128 PROFESSIONAL ENGINEER SHERYLE G. REEVES

Sheryle G. Reeves, P.E.
Alabama License No. 20128

5-22-13
Date

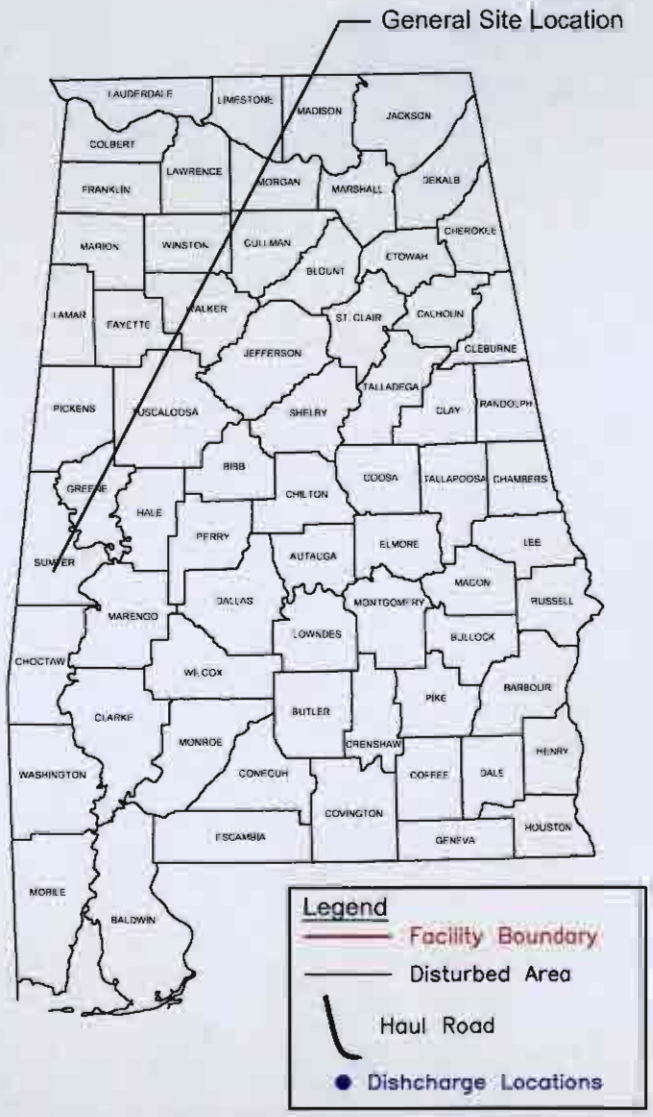
MANAGEMENT CERTIFICATION

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, of those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for willful violations.

Scott Hendry

Senior Operations Manager

5/24/13
Date



Source: USGS Boyd 7.5 Minute Quadrangle Map, 1974 (Photorevised 1987)
USGS Livingston 7.5 Minute Quadrangle Map, 1974 (Photorevised 1986)

TTL
3516 Greensboro Avenue ■ Tuscaloosa, Alabama 35401
205.345.0816 ■ Fax 205.343.0619

TTL PROJECT NO: 600112016
PROJECT DATE: 05/20/2013

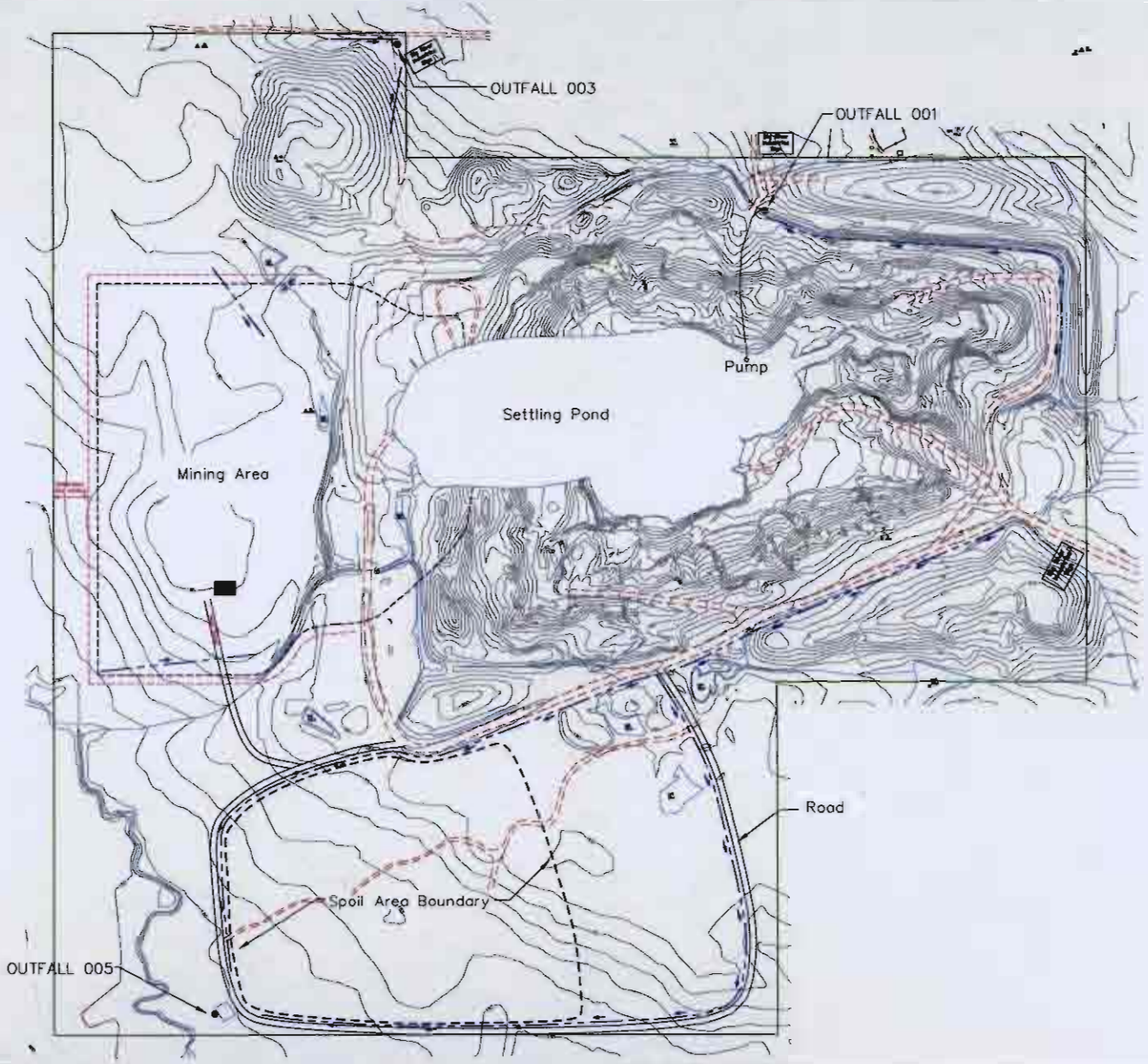
Figure 1. Site Location and Topographic Map

SW 1/4, Sec. 14; E 1/2, SE 1/4, Sec. 15; NE 1/4, NE 1/4, Sec. 22; NE 1/4, NE 1/4, Sec. 23;
T. 18 N., R. 3 W., of the Boyd 7.5 Minute Quadrangle Map
Pollution Abatement Plan
Big River Industries, Inc. - Livlite® Division, Clay Mine
NPDES Permit Number AL0055913
Highway 11
Livingston, Sumter County, Alabama

N

1" = 2000'
(Approximate)

T:\Projects\2012\600112016 Big River NPDES\Clay Mine\Figures\ClayMine Fig 1 Topo.dwg



LEGEND

OUTFALL 001
OUTFALL 003
OUTFALL 005 — Discharge Locations

- Mobile Fuel Tank
- Haul/access road
- Property Boundary
- Mining Area
- Disturbed Area
- Diversion Ditches with directional flow
- Facility Sign

0' 400' 800'

TTL

SCALE: 1" = 400'	TTL PROJECT NO.: 000113010
DRAWING PATH: T:\Projects\2012\000113010 Big River NPDES Mine\Figures\ClayMine Fig 2 Site.dwg	
DATE CREATED: 05/20/2013	DATE REVISED: n/a
REVISION NUMBER: n/a	
DRAWN BY: mjc	CHECKED BY: SLT
DRAWING SOURCE: Southern Resource Mapping	

Figure 2. Site Map

Pollution Abatement Plan
Big River Industries, Inc.
Livlite® Division, Clay Mine
NPDES Permit Number AL0055913
Highway 11
Livingston, Sumter County, Alabama

APPENDIX A

Legal Description

Sumter County Alabama - 2012					
Property Record Card					Print Close
Parcel Info					
Parcel Number			**ACCOUNT#**	**Exempt**	**AMENTITES** **ROAD** **TOPO** **SEWER** **WATER** **GAS**
60-22-05-15-0-000-002.010			--	0	
Subdivision					
Neighborhood	YK01				
District	**City**	**S-T-R**	**Acreage**	**Lot Size**	**Deed B/P**
01	COUNTY	15-T18N-	75	0 X 0	B/P D
Legal	E 1/2 OF SE 1/4 S OF OLD RD S15 T18 R3W				

Owner			
Name	LIVLITE CORPORATION		
Mailing Addr	P.O. BOX V LIVINGSTON, AL 35470	**Physical Addr**	

Values	
Land Total:	**$82,500.00**
Building Total:	**$0.00**
Assessed Value:	**$82,500.00**
Tax Due:	**$315.60**

Sumter County Alabama - 2012					
Property Record Card					Print Close
Parcel Info					
Parcel Number			**ACCOUNT#**	**Exempt**	**AMENTITES** **ROAD** **TOPO** **SEWER** **WATER** **GAS**
60 22-05-22-0-000-001.000			--	0	
S. Division					
Neighborhood	YK01				
District	**City**	**S-T-R**	**Acreage**	**Lot Size**	**Deed B/P**
01	COUNTY	22-T18N-	40	0 X 0	B/P D
Legal	NE 1/4 OF NE 1/4 S22 T18 R3W				

Owner			
Name	LIVLITE CORPORATION		
Mailing Addr	P.O. BOX V LIVINGSTON, AL 35470	**Physical Addr**	

Values	
Land Total:	**$41,600.00**
Building Total:	**$0.00**
Assessed Value:	**$41,600.00**
Tax Due:	**$159.17**

Sumter County Alabama - 2012					
Property Record Card					Print Close
Parcel Info					
Parcel Number			**ACCOUNT#**	**Exempt**	**AMENTITES** **ROAD** **TOPO** **SEWER** **WATER** **GAS**
60 22-06-14-0-000-035.000			–	0	
Subdivision					
Neighborhood	YK01				
District	**City**	**S-T-R**	**Acreage**	**Lot Size**	**Deed B/P**
01	COUNTY	14-T18N-	120	0 X 0	B/P DB159-DB84 D 10/01/2007
Legal	S 1/2 OF SW 1/4 S 1/2 OF N 1/2 OF SW 1/4 S14 T18 R3W				

Owner			
Name	BIG RIVER INDUSTRIES INC.		
Mailing Addr	P O BOX V LIVINGSTON, AL 35470	**Physical Addr**	

Values	
Land Total:	**$111,000.00**
Building Total:	**$0.00**
Assessed Value:	**$111,000.00**
Tax Due:	**$426.03**

Sumter County Alabama - 2012					
Property Record Card					Print Close
Parcel Info					
Parcel Number			**ACCOUNT#**	**Exempt**	**AMENTITES** **ROAD** **TOPO** **SEWER** **WATER** **GAS**
60 22-06-23-0-000-004.000			--	0	
S. ivision					
Neighborhood	YK01				
District	**City**	**S-T-R**	**Acreage**	**Lot Size**	**Deed B/P**
01	COUNTY	23-T18N-	40	0 X 0	B/P D
Legal	NW 1/4 OF NW 1/4 S23 T18 R3W				

Owner			
Name	LIVLITE CORPORATION		
Mailing Addr	P.O. BOX V LIVINGSTON, AL 35470	**Physical Addr**	

Values	
Land Total:	**$42,600.00**
Building Total:	**$0.00**
Assessed Value:	**$42,600.00**
Tax Due:	**$162.90**

Form: DIR-ASM-3
(Rev. 10/12)

STATE OF ALABAMA
DEPARTMENT OF LABOR
649 Monroe Street
Montgomery, AL 36131

Permit No. 013720

Permit Fee Paid $ 250.00

Amended Permit Fee Paid $ _____

Bonded Acres 256.08

Additional Acres _____

Total Acres 256.08

Effective Date 12/31/12

Expiration Date 12/30/13

File No. 60- Big River -1

PERMIT TO ENGAGE IN SURFACE MINING OF Porter's Creek Clay

Issued to

Big River Industries, Inc., P. O. Box V, Livingston, AL 35470

Pursuant to Sections 4, 5 & 6, Alabama Surface Mining Act of 1969, a permit is hereby granted to engage in Surface Mining in the State of Alabama at the following location:

County: Sumter Section(s): 14, 15, 22, & 23 Township(s): 18N Range(s): 3W

S 1/2 of SW 1/4 and S 1/2 of SW 1/4 of Sec. 14; E 1/2 of SE 1/4, Sec. 15;
NE 1/4 of NW of Sec. 22; NW 1/4 of the 1/4, Sec. 23.

Access: TURN LEFT ON UNPAVED COUNTY ROAD WHICH INTERSECTS WITH HIGHWAY 11 ONE MILE NORTH OF THE POLICE JURISDICTION OF YORK, AL. PIT IS AT END OF THE ROAD.

This permit may be suspended or revoked upon violation of any or all of the conditions set forth in the Alabama Surface Mining Act of 1969 and such Rules and Regulations as are promulgated pursuant thereto by the Act.

Issued this 26TH day of NOVEMBER 2012

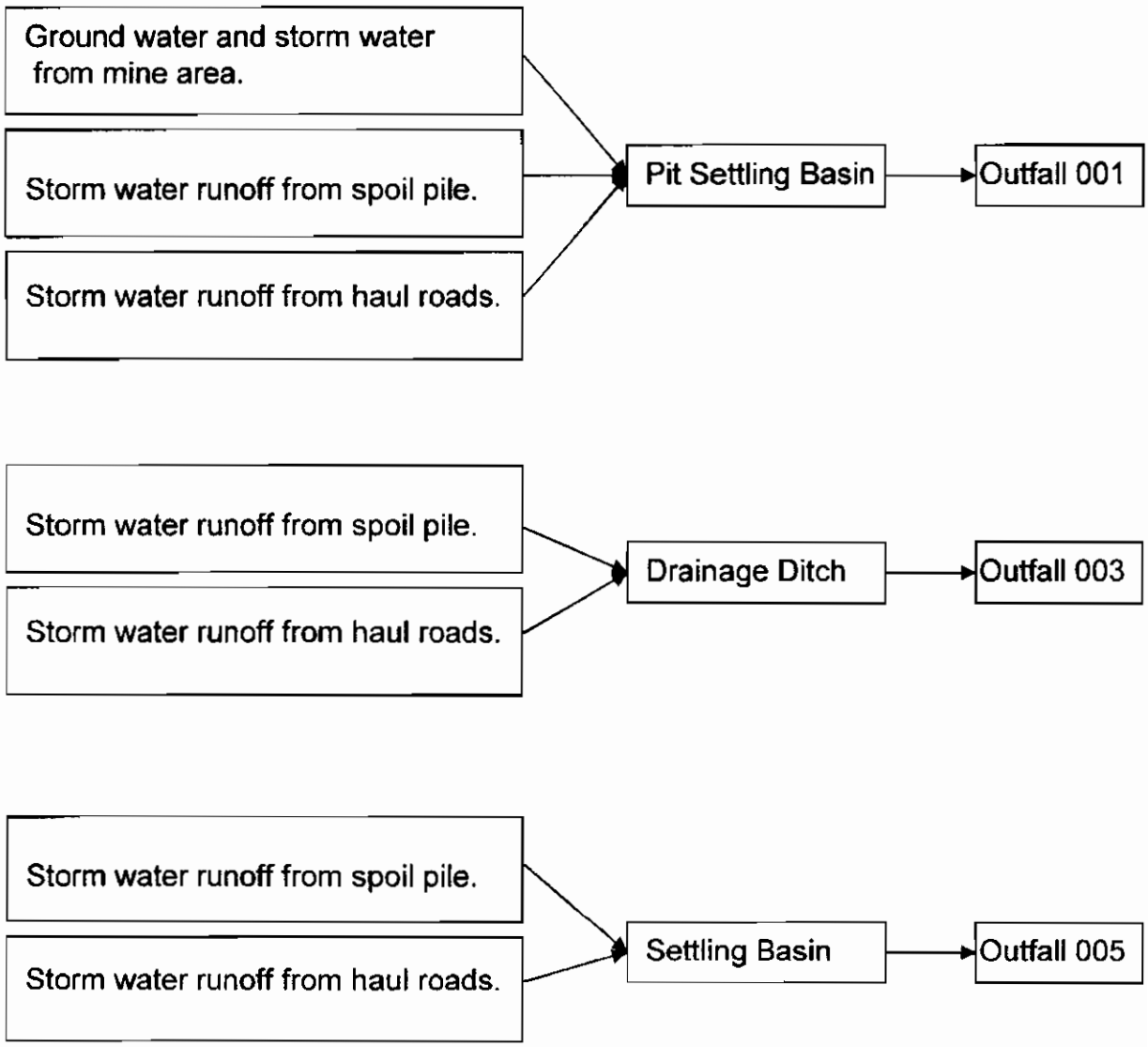
By Thomas Surtees

Commissioner , Alabama Department of Labor

APPENDIX B

Schematic Diagram of Livelite Division Clay Mine

Schematic Diagram for Clay Mine
Big River Industries
Livingston, Sumter County, Alabama



APPENDIX C

Letter Regarding Design Data

TTL

4154 Lomac Street
Montgomery, AL 36106
334.244.0766
www.ttlusa.com

May 22, 2013

Ms. Katharine McNeal
Alabama Department of Environmental Management
Post Office Box 301463
Montgomery, Alabama 36130-1463

Re: NPDES Permit Renewal
NPDES Permit No.
Big River Industries Clay Mine
Livingston, Alabama

Dear Ms. McNeal:

This letter is to document TTL's observations of the dam associated with Outfall 005. On May 20, 2013, Mrs. Stacey Tarrant and Mr. Ryan Costanzo, acting under my supervision with TTL, Inc., visited the site and observed the sedimentation pond and associated dam. TTL observed that the dam appeared to be functioning as intended, and no corrective measures were identified. TTL did not measure the slopes of the dam embankments, but observed that they appeared adequate to allow for maintenance. The discharge pipe for this outfall is 36 inches. An evaluation of the pond's capacity and ability to handle a 25 year, 24 hour storm event was not performed by TTL. Based on interviews with site personnel, the discharge pipe is adequately sized to pass all but the most severe rain events.

Should you have any questions regarding the attached, please do not hesitate to call me at (334) 244-0766.

Sincerely,
TTL, Inc.

Sheryle G. Reeves, P.E.
AL License No. 20128

cc: Mr. Scott Hendry
Senior Operations Manager
Big River Industries, Inc. Livelite Division

T:\Projects\2012\800112\016 Big River NPDES\Clay Mine\C ADEM letter doc

APPENDIX D

Inspection and Training Checklist

Big River Industries, Inc.

Routine Site Inspection Report

Inspection must be conducted at least four times per year in addition to immediately following a "qualifying rain event".

Yes	No		
		Stormwater Drainage Areas	Drainage areas have been visually inspected for evidence of pollutant runoff and no pollutants have been detected.
		Effectiveness of Controls	Pollutant controls, such as storage of materials indoors when possible and covering materials, are in place and have effectively minimized pollutants combining with stormwater runoff. The results of stormwater analyses indicate the current stormwater controls are adequate and no other controls are needed at this time.
		Spills and Leaks from Above Ground Storage Tank	No soil staining or other evidence of leaking oil is visible from the Above Ground Storage Tanks located on this site.
		Spills and Leaks from Machinery	No soil staining or other evidence of leaking oil is visible from machinery located on the site.
		Spills and Leaks from Fuel Dispensing Area	No soil staining or other evidence of leaking from the fuel dispensing area is noted.
		Spill Control Equipment	All spill control material is properly located in the facility and is in adequate supply.
		New Sources	The site has been thoroughly inspected for new potential pollutant sources and no new sources have been introduced.
		Outdoor Storage	Provisions have been made for inside storage of materials where possible and materials have been covered when feasible.
Problems Noted and Countermeasures:			

I do hereby certify that this facility is in full compliance with its Pollution Abatement and Spill Prevention Control and Countermeasure Plan, with the exception of the following incidents of noncompliance:

Signed:	
ed:	

Big River Industries, Inc.

Corrective Actions for Release Incidents

Mandatory for any pollutant/contaminant release requiring clean-up response.

Facility Name:			
Reporter's Name:		**Date:**	
Reason for Report			
Release Response Activity Information			
Description of Activities:			
Response Equipment Used:			
Outside Agencies Used in Response:			
Corrective Actions Planned:			
Start Date:		**Supervisor:**	
Finish Date:		**Contractor:**	

Big River Industries, Inc.

Employee Training Confirmation

I, _____ (employer), duly informed _____ (employee) of _____ (company) of the objectives and requirements of the Pollution Abatement Plan on this _____ (date) day of _____ (month), _____ (year).

_____
Signature of Employer

I, _____ (employee) understand my responsibilities concerning the Pollution Abatement Plan as described to me this _____ (date) day of _____ (month), _____ (year).

_____
Signature of Employee

Big River Industries, Inc.

Employee Training Report

Mandatory one per year, greater frequency is recommended.

Facility Name:			
Inspector's Name:		**Date:**	
Storm Water Pollution Prevention Training Information			
Training Topics:			
Description of Training			
Program/Materials:			
Method of Training Delivery:			
Participants Listing:			

Spill Prevention, Control, and Countermeasures (SPCC) Plan

Big River Industries, Inc.

Livlite® Division, Clay Mine

Highway 11

York, Sumter County, Alabama

Prepared By:

TTL

geotechnical · analytical · materials · environmental

3516 Greensboro Avenue
Tuscaloosa, Alabama 35401
TTL Project Number: 600113025

May 22, 2013

SPILL PREVENTION, CONTROL, AND COUNTERMEASURES (SPCC) PLAN

Big River Industries, Inc.
Livlite® Division, Clay Mine
York, Sumter County, Alabama

Appendices:

Spill Prevention, Control, and Countermeasures (SPCC) Plan

Big River Industries, Inc.
Livlite® Division, Clay Mine
York, Alabama

GENERAL APPLICABILITY AND REQUIREMENT TO PREPARE AND IMPLEMENT AN SPPC PLAN - 40 CFR 112.1 and 112.3(a) and (b)

Big River Industries, Inc. (Big River) operates its Livlite® Division, Clay Mine facility in York, Alabama at 33° 31' 35.03" N 88° 15' 17.53" W. The Livlite® Division, Clay Mine is a clay mine and is situated north of Highway 11 in southwest 1/4 of Section 14, the east 1/2 of the southeast 1/4 of Section 15, the northeast 1/4 of the northeast 1/4 of Section 22 and the northwest 1/4 of the northwest 1/4 of Section 23, all in Township 18 North, Range 3 West and shown on the Boyd, Alabama U. S. G. S., 7.5 minute topographic map. A site location and topographic map is provided in Appendix A-I and a Site Location and Topographic Map is provided in A-II.

Although the facility's anticipated quantity of oil/petroleum on site is less than 1,320 gallons and therefore is not regulated under 40 CFR 112 requirements, a detailed SPCC Plan with acceptable format and content is required by the Alabama Department of Environmental Management (ADEM) to be attached with the application for an Individual National Pollutant Discharge Elimination System (NPDES) permit. The provisions of 40 CFR Part 112 require that a Spill Prevention, Control, and Countermeasures (SPCC) Plan be prepared if a facility has 42,000 gallons or more of buried underground storage, or 1,320 gallons of total storage in aboveground tanks that have capacity of 55 gallons or greater. The regulations state that the name, type, and location of the facility; date of initial operation; name and address of the owner; a designated person responsible for oil spill prevention; management approval; oil spill history; professional engineer certification; spill potential analysis; five-year management review; and Plan amendments must be included in the SPCC Plan. In addition to these required elements, the SPCC Plan should provide for the following: secondary containment; facility drainage; release prevention and clean up; regular inspections and record keeping; security for the facility; and personnel training.

This SPCC Plan was prepared based on the provisions of 40 CFR 112- Oil Pollution Prevention, most recently amended April 18, 2011, and is intended to meet those requirements. At least every five years, this Plan must be evaluated to determine if new 'field-proven' technologies might decrease the potential for a petroleum release. Also, the Plan must be updated whenever there is a change in facility design, operation, or maintenance that would affect the potential for a petroleum release. A registered professional engineer must certify the Plan each time it is updated or modified with technical amendments described in the section entitled "In-House Amendments of the SPCC Plan – 40 CFR 112.5".

DEFINITIONS - 40 CFR 112.2

See Appendix B.

PROFESSIONAL ENGINEER CERTIFICATION - 40 CFR 112.3 (d)

See Appendix C.

LOCATION OF SPCC PLAN – 40 CFR 112.3 (e)

Federal regulations require that a complete copy of this Plan be maintained onsite during mining operations and a copy be maintained at the Big River facility located at 357 Bennett Road in Livingston during periods of inactivity, to be available to representatives of the U.S. Environmental Protection Agency (EPA) or Alabama Department of Environmental Management (ADEM) for on-site review during normal working hours.

REGULATOR'S REVIEW AND/OR AMENDMENT OF THE SPCC PLAN – 40 CFR 112.4

This SPCC Plan is not required to be filed with the U.S. EPA under normal circumstances. However, the SPCC Plan must be submitted to the U.S. EPA Region IV Regional Administrator and to the ADEM if either of the following circumstances occurs:

1. The facility discharges more than 1,000 gallons of oil; or
2. The facility discharges more than 42 gallons of oil in each of two discharge events within any 12-month period.

If either of these discharge thresholds is exceeded, a copy of this SPCC Plan must be submitted to the EPA Regional Administrator and to the ADEM within 60 days of the discharge, along with the information outlined below:

(1) Name of the facility;
(2) Your name;
(3) Location of the facility;
(4) Maximum storage or handling capacity of the facility and normal daily throughput;
(5) Corrective action and countermeasures you have taken, including a description of equipment repairs and replacements;
(6) An adequate description of the facility, including maps, flow diagrams, and topographical maps, as necessary;
(7) The cause of such discharge as described in §112.1(b), including a failure analysis of the system or subsystem in which the failure occurred;
(8) Additional preventive measures you have taken or contemplated to minimize the possibility of recurrence; and
(9) Such other information as the Regional Administrator may reasonably require pertinent to the Plan or discharge.

If the EPA Regional Administrator requires amendments to the SPCC Plan, the office of the Regional Administrator will notify Big River.

Please note that if a discharge of any quantity breaches secondary containment and results in a spill onto protected waters of the state, an initial telephone notification to the National Response Center, the ADEM, and other agencies specified in 40 CFR 112.7(a)(3)(vi) is required. Additional written reporting requirements, beyond that of the telephone notification, are detailed in a subsequent section of this Plan.

IN-HOUSE AMENDMENTS OF THE SPCC PLAN – 40 CFR 112.5

In accordance with 40 CFR 112.5, a review and evaluation of this SPCC Plan must be performed at any time that there is a change in the design, construction, operation or maintenance that materially affects potential for a discharge. Even if there are no changes in design, construction, storage capacity, operation or maintenance, a review and evaluation of the Plan must be conducted at least once every five years. If any amendments are needed, they must be made and implemented within six months of the review. If any technical amendments are required for the Plan, the changes require the certification of a professional engineer. Technical amendments *exclude* such administrative changes as changes to the contact list; telephone numbers; product changes if the new product is compatible with conditions in the existing tank and secondary containment; and, any other changes which do not materially affect the facility's potential to discharge oil. If the owner or operator is not sure whether the change is technical or non-technical, he should have it certified. These reviews and evaluations shall be recorded on the form found in Appendix D.

40 CFR 112.6 – RESERVED

SPILL PREVENTION, CONTROL, AND COUNTERMEASURE PLAN MANAGEMENT APPROVAL - 40 CFR 112.7

Although the facility's anticipated quantity of oil/petroleum on site is less than 1,320 gallons and therefore is not regulated under 40 CFR 112 requirements, a detailed SPCC Plan with acceptable format and content is required by the ADEM to be attached with the application for an Individual NPDES permit. The SPCC Plan regulations (40 CFR 112) require the owners/operators of the Livlite® Division, Clay Mine facility to prepare a SPCC Plan in accordance with good engineering practices to prevent, to the maximum extent possible, a potential oil spill onto protected waters. As required by the regulations, this Plan follows the sequence of the requirements in 40 CFR 112.

The regulation requires that the facility SPCC Plan have the full approval of management at a level of authority authorized to commit the necessary resources to fully implement the Plan. A signed affirmation of managerial approval may be found in Appendix E.

OIL SPILL/DISCHARGE HISTORY – 112.7(a)(1)

Livlite® Division, Clay Mine facility operators have no knowledge of petroleum releases reported for this facility in the last three years. Records of reportable spill activities will be recorded in the table in Appendix F.

ALTERNATIVE ORGANIZATION OF THE SPCC PLAN – 122.7(a)(2)

This Plan contains no deviations from the regulations as specified in 40 CFR 112; thus no alternative scenarios or methods for equivalent environmental protection are necessary.

LOCATION– 40 CFR 112.7(a)(3)

Livlite® Division, Clay Mine is located in the southwest 1/4 of Section 14, the east 1/2 of the southeast 1/4 of Section 15, the northeast 1/4 of the northeast 1/4 of Section 22 and the northwest 1/4 of the northwest 1/4 of Section 23, all in Township 18 North, Range 3 West and shown on the Boyd, Alabama U. S. G. S., 7.5 minute topographic map (Appendix A-I). The facility encompasses approximately 301 acres. The property is located in a rural/residential area and is surrounded by wooded land. Access to the facility from Highway 11 is located at the eastern boundary of the property, and primary operations are located on the central portion of the site.

Stormwater runoff across the majority of the site is generally via sheet flow and roadside drainageways which flow toward the central, excavated portion of the site. Stormwater runoff on the southern portion of the site generally flows via sheet flow toward a settling pond at the southwestern corner of the site and then toward an unnamed tributary of Bear Creek. Stormwater runoff across the northwest portion of the site generally flows via sheet flow and roadside drainageways which flow toward a settling pond located near the northern boundary of the site and then toward an unnamed tributary of Bear Creek. Surface flow directions are depicted on the Figure found in Appendix A-II.

TANK CAPACITIES AND CONTENTS – 112.7(a)(3)(i) and (iii)

Livlite® Division, Clay Mine may utilize one portable aboveground storage tank (AST) for the storage of diesel. A few 55-gallon drums containing motor oil may also be located on site.

DISCHARGE PREVENTION MEASURES: ROUTINE HANDLING AND DRAINAGE CONTROLS – 112.7(a)(3)(ii) and (iii)

Diesel Tank

One 1,000-gallon portable diesel AST shall be compatible with the material stored and the conditions of storage such as temperature and pressure. Containment and additional protection for the diesel tank will be provided by a metal secondary containment structure. Secondary containment at the facility must provide containment capacity of 110% the volume of the diesel tank (1,100 gallon capacity).

Drummed Oil

A few drums containing motor oil may be present on site. Drums will be situated atop wooden pallets and protected from precipitation with plastic sheeting.

Loading and Unloading Operations

Tank fluid levels must be gauged prior to filling to ensure adequate space is available for the amount of fuel planned to be transferred. Furthermore, during filling, the tank should be manned at all times by two people; one to operate the pump, and one to observe the level of product in the tank. If the level in the tank or in the truck begins to approach maximum capacity, the observer shall instruct the pump operator, via direct audible signal communication (see 40 CFR 112 (8)(c)(iii)), to cease pump operation. Loading and unloading areas are regularly inspected for deficiencies and trucks are inspected for leaks or damage prior to and following fuel transfer operations. Informal inspections are conducted in these areas daily and formal inspections are documented quarterly using the SPCC Inspection Report form provided as Appendix I. In cases where the loading or unloading of oil cargo takes place without the presence of a second person (one to operate the pump, and one to observe the level of oil in the tank), that is, if the loading or unloading will be undertaken by a single person, then some type of signal, alarm or automatic cutoff device shall be used on the tanks in order to prevent overfilling. These requirements are specified in 40 CFR 112 (8)(c)(i), (ii) or (iv). If any of these devices are utilized, then they must be regularly tested.

Fueling Operations

Care should be taken during all fueling operations at the site to ensure that product releases do not occur. Prior to turning on the fuel dispensing pumps, the dispensing nozzle must be placed securely in the vehicle fuel tank or the container being filled. Spills/releases that occur during fueling operations are to be cleaned up expeditiously. Any discharges occurring in these areas during fueling operations will be contained onsite by the use of drip pans, sorbent material, etc.

Active Discharge Controls

A spill kit will be strategically placed near the location of the portable AST. The spill kit shall be maintained with adequate response materials: sand bags, absorbent booms, pads, etc. Spill kits will be used in the event of a release to: contain the spill; prevent fluids from entering the drainage system at the facility; and recover the product.

SPILL RESPONSE/CLEANUP – 112.7(a)(3)(iv)

In the event of a spill, the responsible person(s) listed in this Plan should be notified immediately, and the following steps should be taken:

1. Attempt to determine the source, volume and extent of the spill.
2. If a spill is in progress, determine the safest and quickest way to stop the spill (e.g., close defective valve, pump product out of leaking tank or container, etc.).
3. Contain the spill as close to the source as possible. Sandbags, earthen dams, or absorbent booms may be used to contain the spill and prevent flow into the drainage system.
4. After the flow of the product has been restricted, the product should be removed.
   A. In the event of a small spill, absorbent pads, oil dry or other suitable materials may be used to recover the product. After the product has been removed, any contaminated soils should be excavated and placed in a suitable container for characterization and disposal. Bioremediation products may be used.
   B. In the event of a large spill, as much of the spilled material as possible should be transferred back into the tank or another structurally sound container. Any contaminated soils should be excavated and placed in a suitable container for characterization and disposal. Other remediation options may apply, based on the extent and nature of the spill.

DISPOSAL OF RECOVERED MATERIALS – 112.7(a)(3)(v)

Used absorbent materials, contaminated soils, and containers of recovered petroleum products should be properly disposed. Recovered petroleum products will be used, if possible, or transported to a permitted recycling or disposal facility. If possible, spill residue will be placed in a Department of Transportation (DOT)- approved 55-gallon drum for transportation. Petroleum contaminated waste must be disposed of in a Municipal Solid Waste Landfill (MSWLF) and/or a synthetically lined facility which has a valid ADEM permit and groundwater monitoring wells. Prior to disposal, written certification that the waste is non-hazardous must be provided to the ADEM. Small quantities of petroleum contaminated waste (contains less than 25-gallons of petroleum and total material is less than five cubic yards per occurrence) does not require approval by the ADEM and may be disposed of in MSWLFs, Construction/Demolition landfills, or Industrial landfills.

NOTIFICATION REQUIREMENTS – 112.7(a)(3)(vi)

In the event that a spill has breached the secondary containment resulting in a release, the Facility Manager should be notified immediately. The persons responsible for overseeing spill cleanup and/or remediation activities are listed below.

Contact:	Scott Hendry/Senior Operations Manager	(205) 361-2196
Alternate Contact:	Mr. Danny McElroy/Plant Manager	(205) 652-9688

In the event that the amount of the release is greater than or equal to the substance's reportable quantity (RQ) limit, or that an oily material has impacted or has the potential to impact any river, creek, stream or tributary of the waters of the State of Alabama, the Facility Manager will contact the NRC (National Response Center), the ADEM, the Local EMA, and the Fire Department at the following phone numbers:

National Response Center
Telephone: (800) 424-8802
24hr: (404) 562-8700

Sumter County EMA
Telephone: 205-652-6347

Alabama Department of Environmental Management
Telephone: (205) 271-7700

York Fire Department
Telephone: (205) 392-5261

Livingston Fire Department
Telephone: (251) 675-0206

The Facility Manager must notify authorities immediately upon his knowledge of a reportable release, but in no case later than 24 hours after the release.

Clean-up Contractors:

Parrs, Inc	(334) 289-0887
	(334) 341-8754

NOTIFICATION INFORMATION – 112.7(a)(4) and (5)

In the event that either a reportable release or a discharge to surface water occurs, the following information will be reported by telephone to ADEM and the NRC:

1. Name of person reporting spill
2. Company: Big River's Livlite® Division, Clay Mine
3. Facility Address: north of Highway 11, York, AL 36925
4. Telephone number: (205)-652-9688

5. Date and time of the discharge
6. Type of material discharged
7. Estimated quantity of material(s) discharged
8. Exact description of location of spill
9. Description of the material(s) spilled
10. Source of discharge (tank, pipe, etc.)
11. Description of all affected media (soil/water - Nearest receiving stream is an unnamed tributary to Turtle Branch)
12. Cause of discharge (tank failure, tank overfill, etc.)
13. Any damages or injuries caused by the discharge
14. Actions being used to stop, remove, and mitigate the effects of the discharge
15. Whether an evacuation may be needed
16. Names of individuals and/or organizations who have also been contacted

A written description addressing measures taken in response to the release will be submitted to the ADEM within 15 days after the incident.

Should the facility discharge more than 1,000 gallons of oil in a single discharge or more than 42 gallons of oil in each of two discharges occurring within any twelve month period, as described in Section 112.1(b), the EPA Regional Administrator shall be notified within 60 days from the time the facility becomes subject to the Section.

This information is included in this Plan because the Livlite® Division, Clay Mine is not required to have submitted a response plan pursuant to Section 112.20. A response plan is not applicable because none of the thresholds are exceeded for the potential for "Substantial Harm" as provided in 40 CFR Part 112, Appendix C. A certification that this facility does not pose substantial harm is included in Appendix G.

SPILL POTENTIAL – 112.7(b)

The greatest potential for a release of petroleum products at the facility is from overfilling when loading/ unloading diesel into/from the AST, but spills may also occur because of a failure of the structural integrity of a tank or product piping, or due to leakage of valves or other fittings. In the event that a discharge should breach secondary containment, and a release occurs at the site, the portable tank will be located in an area in which released product will flow toward the incised mining area of the site. A Spill Potential Analysis is included with this plan as Appendix H.

CONTAINMENT AND DIVERSIONARY STRUCTURES – 112.7(c)

The appropriate secondary containment systems, such as dikes, curbing, spill kits, etc. are in place at the Livlite® Division, Clay Mine, and are described in the section entitled "Discharge Prevention Measures:

Routine Handling and Drainage Controls – 112.7(a)(3)(ii) and (iii)". A metal secondary containment structure will be provided for the diesel tank to protect the tank from traffic.

The potential for overfilling the AST can be mitigated with the cooperation of Big River personnel with the tanker truck operators during unloading.

Formal inspections, in addition to the more frequent informal inspections, should indicate the presence of structural deficiencies in the tank before a spill occurs. For example, regular inspections should reveal corrosion of the tank, deficient hoses, deficient valves, etc. If these conditions or similar conditions are observed, the situation should be reported to the Facility Manager and expeditiously corrected. All spills and leaks around any AST should be contained as close to the source as possible.

DETERMINATION OF PRACTICABILITY – 112.7(d)

The Livlite® Division, Clay Mine structures and equipment required by regulation are determined to be practicable, or shall be implemented. Sorbent materials and hand tools supplement structural containment as an active form of secondary containment.

INSPECTIONS – 112.7(e)

Once a tank or drum is in use on the property, the tank, drums, equipment and secondary containment measures are to be inspected quarterly. Each inspection will be recorded on the Facility Inspection Checklist form provided as Appendix I to this Plan. Any deficiencies noted during the inspections will be reported to the Facility Manager and corrected expeditiously. Any corrective measures will be documented on the Facility Inspection Checklist. The Facility Inspection Checklists are signed by the inspector, and records are maintained with the Plan for a period of three years.

The tank, drums, equipment, and secondary containment are inspected for the following:

- The presence of visual structural deficiencies including corrosion, rust, thinning, cracks, holes, dents, or other visual deficiencies in the structural integrity of the tanks, and product piping;
- Signs of instability or excessive settlement of tank foundations and supports;
- Signs of poor connection that could cause a discharge;
- Signs of obstructions in tank vents;
- Signs of improper function;
- The presence of petroleum products within the dike system; and
- Evidence of a release of petroleum products including oil, stained soils or concrete, or other spill residues around the fueling area or product piping.

In addition to those items listed on the previous page, formal inspections will include verification of:

- Properly functioning overfill prevention systems; and

- Adequate inventory of discharge response equipment and supplies (sorbent materials within the spill kits).

Once activities resume at the clay mine, monthly informal observations will also be performed by Livlite® Division, Clay Mine personnel to identify evidence of damaged or leaking equipment, hoses, drums, and tanks. These informal observations will include visual observation of the tank, dike system, drums, and equipment. If a problem/deficiency is observed during any of these informal observations, the findings will be reported verbally to the Facility Manager for appropriate action. A formal inspection will be conducted, according to the procedures described above, and recorded on the Facility Inspection Checklist, and visual leaks will be repaired as soon as possible.

In addition to the periodic visual inspections of bulk containers, 40 CFR 112(8)(c)(6) requires structural integrity testing of all aboveground tanks containing oil products on a regular basis and whenever material repairs are made. This structural integrity testing may be hydrostatic, radiographic, acoustic, ultrasonic or some other type of nondestructive testing. Although the testing must take place regularly in accordance with industry standards, the type and frequency with which this testing must take place is unspecified. Structural integrity testing will be conducted for all aboveground tanks once every ten years and any time repairs are made on an aboveground tank.

PERSONNEL TRAINING – 112.7(f)

Oil-handling personnel will be trained in the operation and maintenance of equipment to prevent discharges, discharge procedure protocols; the applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility SPCC Plan. Designated personnel will be accountable for discharge prevention and will report to the Facility Manager. Annual briefings which highlight and describe known discharges or failures, malfunctioning components, and any recently developed precautionary measures will be scheduled and conducted for all oil-handling personnel.

SECURITY – 112.7 (g)

Security at the facility consists of a gated entrance to the facility and mining location that is not visible to Highway 11.

TANK CAR AND TANK TRUCK LOADING/UNLOADING RACK – 112.7(h)

This regulatory provision applies only to tank truck loading/unloading racks. No tank truck loading/unloading racks are present onsite.

BRITTLE FRACTURE EVALUTION – 112.7(i)

If an aboveground container undergoes a repair, alteration, reconstruction, or a change in service that might affect the risk of a discharge or failure due to brittle fracture failure or other catastrophe, the

container will be evaluated for these failure risks and corrective action will be taken as necessary.

CONFORMANCE WITH STATE AND LOCAL REQUIREMENTS – 112.7(j)

This SPCC Plan was written in conformance with applicable requirements and effective discharge prevention and containment measures of 40 CFR 112. This SPCC Plan does not incorporate any additional state and local requirements.

GENERAL REQUIREMENTS – 112.8(a)

The general requirements for an SPCC Plan listed under section 112.7 and the specific discharge prevention and containment procedures listed under section 112.8 are addressed in this SPCC Plan.

FACILITY DRAINAGE – 112.8(b)

Upon implementation of this SPCC Plan, adequate secondary containment will be provided for the AST at the Livlite® Division, Clay Mine facility. Diked areas may be pumped. However, the condition of the stormwater must be observed to ensure that no oil will be discharged

BULK STORAGE CONTAINER REQUIREMENTS – 112.8(c)

All containers storing oil shall be compatible with the material stored and the conditions of storage such as temperature and pressure. Secondary containment for the AST at the Livlite® Division, Clay Mine will consist of a metal secondary containment structure. Active containment measures are also provided onsite.

Should rainwater accumulate in the secondary containment structure, water should be removed from the secondary containment area only if the retained rainwater will not cause a discharge that will result in a visible sheen on the receiving waters. A record of any such discharge events will be logged on the form included as Appendix F of this SPCC Plan. Impacted water from the secondary containment area will be disposed of at a Big River approved and licensed disposal facility.

There are no completely buried ASTs at the facility. Use of such tanks requires special procedures, testing and recordkeeping. There are no partially buried ASTs or operational equipment at the facility. Use of such tanks and operational equipment requires special procedures, testing and recordkeeping. There are no internal heating coils at this facility. Future installation of such oil-filled operational equipment will take such requirements into consideration.

Bulk storage tanks containing oily materials must undergo periodic integrity testing. This testing is described in the section entitled "Inspections – 112.7(e)." In addition, frequent inspections shall be conducted to observe signs of deterioration, discharges, or accumulation of oil in diked areas.

The tank at the Livlite® Division, Clay Mine has a means of liquid gauging in order to avoid discharges. Direct audible or code signal communication between the container gauger and the tanker truck and a fast response system (standard level indicator gauge), for determining the liquid level will be utilized. Mechanical liquid level sensing devices shall be tested regularly to ensure proper operation.

Visible discharges which result in a loss of oil from a container, including seams, gaskets, piping, pumps, valves, rivets, bolts, etc. shall be promptly corrected and any accumulation of oil in diked areas will be promptly removed. Portable oil storage containers to be maintained onsite shall be provided with adequate secondary containment and located in areas to minimize exposure to precipitation and vehicular or equipment traffic.

FACILITY TRANSFER OPERATIONS, PUMPING AND FACILITY PROCESS – 112.8(d)

Although piping is not anticipated for use at the site, any buried piping that is installed or replaced after the implementation of this SPCC Plan should be provided with protective wrapping or coating and cathodic protection. Any facility piping that is not in service or is in standby service for an extended time should be capped or blank-flanged. Pipe supports must be designed to minimize abrasion and corrosion and allow for expansion and contraction. All aboveground valves, piping, and appurtenances shall be regularly inspected. Inspections must evaluate the general condition of flange joints, expansion joints, valve glands and bodies, catch pans, pipeline supports, locking of valves, and metal surfaces. This inspection is described in the section entitled "Inspections – 112.7(e)."

SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN REQUIREMENTS FOR ONSHORE OIL PRODUCTION FACILITIES – 40 CFR 112.9

Not Applicable

SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN REQUIREMENTS FOR ONSHORE OIL DRILLING AND WORKOVER FACILITIES – 40 CFR 112.10

Not Applicable

SPILL PREVENTION, CONTROL, AND COUNTERMEASURES PLAN REQUIREMENTS FOR OFFSHORE OIL DRILLING AND WORKOVER FACILITIES – 40 CFR 112.11

Not Applicable

40 CFR 112, SUBPART C – REQUIREMENTS FOR ANIMAL FATS AND OILS AND GREASES, AND FISH AND MARINE MAMMAL OILS; AND FOR VEGETABLE OILS, INCLUDING OILS FROM SEEDS, NUTS, AND FRUITS AND KERNELS

Not Applicable

40 CFR 112, SUBPART D – RESPONSE REQUIREMENTS

This section is not applicable to this facility. A Certification of Substantial Harm Determination Form is included as Appendix G.

APPENDIX A:

Figures

APPENDIX A-I

Site Location and Topographic Map

Source: USGS Boyd 7.5 Minute Quadrangle Map, 1974 (Photorevised 1987)
USGS Livingston 7.5 Minute Quadrangle Map, 1974 (Photorevised 1986)

TTL
3516 Greensboro Avenue ■ Tuscaloosa, Alabama 35401
205.345.0816 ■ Fax 205.343.0619

TTL PROJECT NO: 600112016
PROJECT DATE: 05/20/2013

Figure 1. Site Location and Topographic Map

SW 1/4, Sec. 14; E 1/2, SE 1/4, Sec. 15; NE 1/4, NE 1/4, Sec. 22; NE 1/4, NE 1/4, Sec. 23;
T. 18 N., R. 3 W., of the Boyd 7.5 Minute Quadrangle Map
Pollution Abatement Plan
Big River Industries, Inc. - Livlite® Division, Clay Mine
NPDES Permit Number AL0055913
Highway 11
Livingston, Sumter County, Alabama

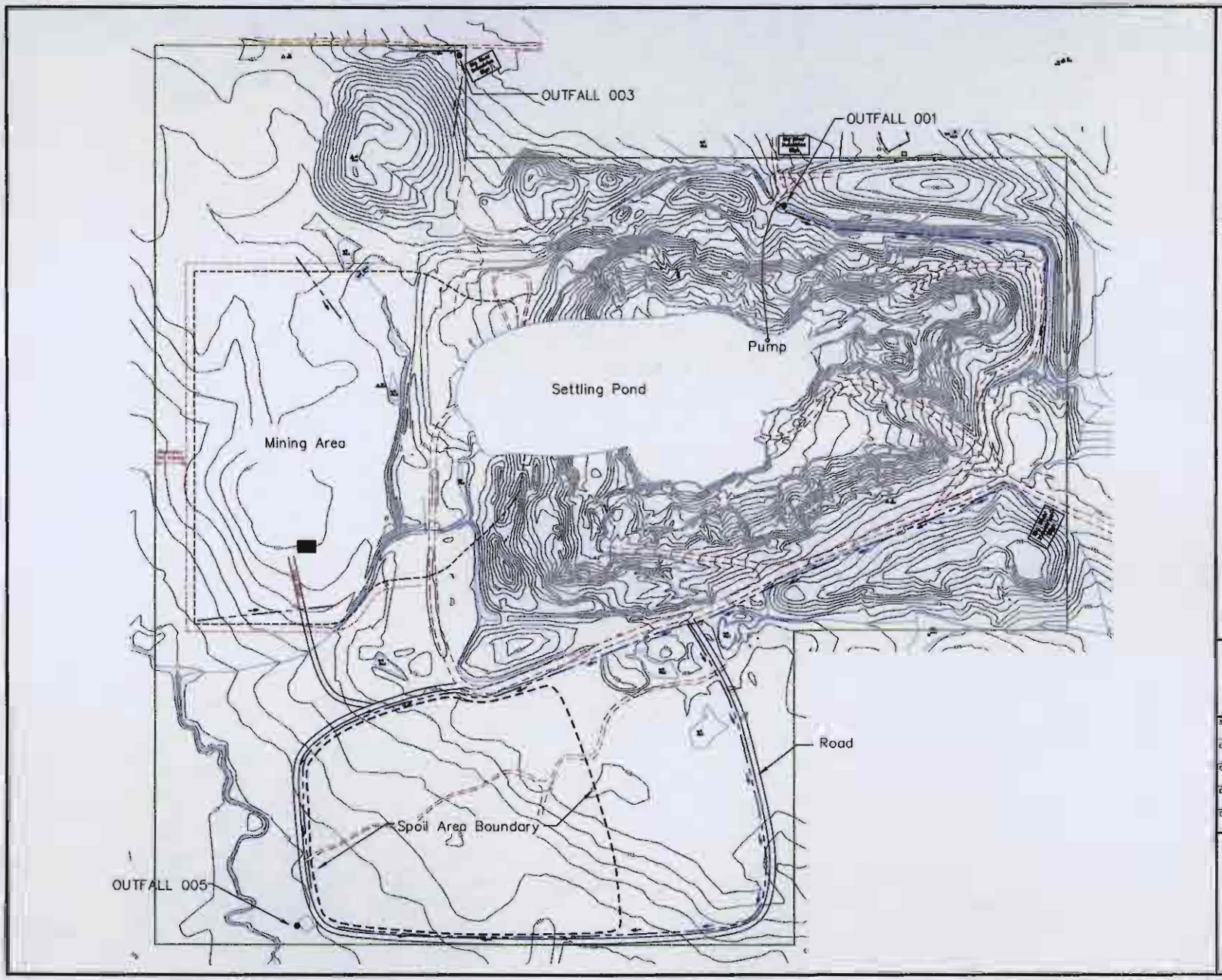
N

1" = 2000'
(Approximate)

T:\Projects\2012\600112016 Big River NPDES\Clay Mine\Figures\ClayMine Fig 1 Topo.dwg

APPENDIX A-II

Site Layout Map



LEGEND

OUTFALL 001
OUTFALL 003
OUTFALL 005 — Discharge Locations

- Mobile Fuel Tank
- Haul/access road
- Property Boundary
- Mining Area
- Disturbed Area
- Diversion Ditches with directional flow
- Facility Sign

0′ 400′ 800′

TTL

SCALE: 1" = 400'	TTL PROJECT NO.: 600112018
DRAWING PATH: I:\Projects\2012\600112018 Big River NPDES\Clay Mine\Figures\ClayMine_Fig 2 Site.dwg	
DATE CREATED: 05/20/2013	DATE REVISED: n/a / REVISION NUMBER: n/a
DRAWN BY: mjc	CHECKED BY: SI T
DRAWING SOURCE: Southern Resource Mapping	

Figure 2. Site Map

Pollution Abatement Plan
Big River Industries, Inc.
Livlite® Division, Clay Mine
NPDES Permit Number AL0055913
Highway 11
Livingston, Sumter County, Alabama

APPENDIX B

Definitions

APPENDIX B

Definitions from 40 CFR Part 112 Oil Pollution Prevention

Adverse weather means weather conditions that make it difficult for response equipment and personnel to clean up or remove spilled oil, and that must be considered when identifying response systems and equipment in a response plan for the applicable operating environment. Factors to consider include significant wave height as specified in appendix E to this part (as appropriate), ice conditions, temperatures, weather-related visibility, and currents within the area in which the systems or equipment is intended to function.

Alteration means any work on a container involving cutting, burning, welding, or heating operations that changes the physical dimensions or configuration of the container.

Animal fat means a non-petroleum oil, fat, or grease of animal, fish, or marine mammal origin.

Breakout tank means a container used to relieve surges in an oil pipeline system or to receive and store oil transported by a pipeline for reinjection and continued transportation by pipeline.

Bulk storage container means any container used to store oil. These containers are used for purposes including, but not limited to, the storage of oil prior to use, while being used, or prior to further distribution in commerce. Oil-filled electrical, operating, or manufacturing equipment is not a bulk storage container.

Bunkered tank means a container constructed or placed in the ground by cutting the earth and recovering the container in a manner that breaks the surrounding natural grade, or that lies above grade, and is covered with earth, sand, gravel, asphalt, or other material. A bunkered tank is considered an aboveground storage container for purposes of this part.

Completely buried tank means any container completely below grade and covered with earth, sand, gravel, asphalt, or other material. Containers in vaults, bunkered tanks, or partially buried tanks are considered aboveground storage containers for purposes of this part.

Complex means a facility possessing a combination of transportation-related and non-transportation related components that is subject to the jurisdiction of more than one Federal agency under section 311 (j) of the CWA.

Contiguous zone means the zone established by the United States under Article 24 of the Convention of the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract or other approved means means:

(1) A written contractual agreement with an oil spill removal organization that identifies and ensures the availability of the necessary personnel and equipment within appropriate response times; and/or

(2) A written certification by the owner or operator that the necessary personnel and equipment resources, owned or operated by the facility owner or operator, are available to respond to a discharge within appropriate response times; and/or

(3) Active membership in a local or regional oil spill removal organization that has identified and ensures adequate access through such membership to necessary personnel and equipment to respond to a discharge within appropriate response times in the specified geographic area; and/or

(4) Any other specific arrangement approved by the Regional Administrator upon request of the owner or operator.

Discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under section 402 of the CWA; discharges resulting from circumstances identified, reviewed, and made a part of the public record with respect to a permit issued or modified under section 402 of the CWA, and subject to a condition in such permit; or continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under section 402 of the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems. For purposes of this part, the term discharge shall not include any discharge of oil that is authorized by a permit issued under section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407).

Facility means any Sumter or fixed, onshore or offshore building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline (other than a vessel or a public vessel) used in oil well drilling operations, oil production, oil refining, oil storage, oil gathering, oil processing, oil transfer, oil distribution, and oil waste treatment, or in which oil is used, as described in appendix A to this part. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities. Only this definition governs whether a facility is subject to this part.

Farm means a facility on a tract of land devoted to the production of crops or raising of animals, including fish, which produced and sold, or normally would have produced and sold, $1,000 or more of agricultural products during a year.

Fish and wildlife and sensitive environments means areas that may be identified by their legal designation or by evaluations of Area Committees (for planning) or members of the Federal On-Scene Coordinator's spill response structure (during responses). These areas may include wetlands, National and State parks, critical habitats for endangered or threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, Federal and State lands that are research national areas, heritage program areas, land trust areas, and historical and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Injury means a measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

Loading/unloading rack means a fixed structure (such as a platform, gangway) necessary for loading or unloading a tank truck or tank car, which is located at a facility subject to the requirements of this part. A loading/unloading rack includes a loading or unloading arm, and may include any combination of the following: piping assemblages, valves, pumps, shut-off devices, overfill sensors, or personnel safety devices.

Maximum extent practicable means within the limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather. It includes the planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the requirements in §112.20 or in a specific plan approved by the Regional Administrator.

Sumter refueler means a bulk storage container onboard a vehicle or towed, that is designed or used solely to store and transport fuel for transfer into or from an aircraft, motor vehicle, locomotive, vessel, ground service equipment, or other oil storage container.

Motive power container means any onboard bulk storage container used primarily to power the movement of a motor vehicle, or ancillary onboard oil-filled operational equipment. An onboard bulk storage container which is used to store or transfer oil for further distribution is not a motive power container. The definition of motive power container does not include oil drilling or workover equipment, including rigs.

Navigable waters of the United States means "navigable waters" as defined in section 502(7) of the FWPCA, and includes:
(1) All navigable waters of the United States, as defined in judicial decisions prior to passage of the 1972 Amendments to the FWPCA (Pub. L. 92–500), and tributaries of such waters;
(2) Interstate waters;
(3) Intrastate lakes, rivers, and streams which are utilized by interstate travelers for recreational or other purposes; and
(4) Intrastate lakes, rivers, and streams from which fish or shellfish are taken and sold in interstate commerce.

Non-petroleum oil means oil of any kind that is not petroleum-based, including but not limited to: Fats, oils, and greases of animal, fish, or marine mammal origin; and vegetable oils, including oils from seeds, nuts, fruits, and kernels.

Offshore facility means any facility of any kind (other than a vessel or public vessel) located in, on, or under any of the navigable waters of the United States, and any facility of any kind that is subject to the jurisdiction of the United States and is located in, on, or under any other waters.

Oil means oil of any kind or in any form, including, but not limited to: fats, oils, or greases of animal, fish, or marine mammal origin; vegetable oils, including oils from seeds, nuts, fruits, or kernels; and, other oils and greases, including petroleum, fuel oil, sludge, synthetic oils, mineral oils, oil refuse, or oil mixed with wastes other than dredged spoil.

Oil-filled operational equipment means equipment that includes an oil storage container (or multiple containers) in which the oil is present solely to support the function of the apparatus or the device. Oil filled operational equipment is not considered a bulk storage container, and does not include oil-filled manufacturing equipment (flow-through process). Examples of oil-filled operational equipment include, but are not limited to, hydraulic systems, lubricating systems (e.g. , those for pumps, compressors and other rotating equipment, including pumpjack lubrication systems), gear boxes, machining coolant systems, heat transfer systems, transformers, circuit breakers, electrical switches, and other systems containing oil solely to enable the operation of the device.

Oil Spill Removal Organization means an entity that provides oil spill response resources, and includes any for-profit or not-for-profit contractor, cooperative, or in-house response resources that have been established in a geographic area to provide required response resources.

Onshore facility means any facility of any kind located in, on, or under any land within the United States, other than submerged lands.

Owner or operator means any person owning or operating an onshore facility or an offshore facility, and in the case of any

abandoned offshore facility, the person who owned or operated or maintained the facility immediately prior to such abandonment.

Partially buried tank means a storage container that is partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material. A partially buried tank is considered an aboveground storage container for purposes of this part.

Permanently closed means any container or facility for which:

(1) All liquid and sludge has been removed from each container and connecting line; and

(2) All connecting lines and piping have been disconnected from the container and blanked off, all valves (except for ventilation valves) have been closed and locked, and conspicuous signs have been posted on each container stating that it is a permanently closed container and noting the date of closure.

Person includes an individual, firm, corporation, association, or partnership.

Petroleum oil means petroleum in any form, including but not limited to crude oil, fuel oil, mineral oil, sludge, oil refuse, and refined products.

Produced water container means a storage container at an oil production facility used to store the produced water after initial oil/water separation, and prior to reinjection, beneficial reuse, discharge, or transfer for disposal.

Production facility means all structures (including but not limited to wells, platforms, or storage facilities), piping (including but not limited to flow lines or intra-facility gathering lines), or equipment (including but not limited to workover equipment, separation equipment, or auxiliary non-transportation-related equipment) used in the production, extraction, recovery, lifting, stabilization, separation or treating of oil (including condensate), or associated storage or measurement, and is located in an oil or gas field, at a facility. This definition governs whether such structures, piping, or equipment are subject to a specific section of this part.

Regional Administrator means the Regional Administrator of the Environmental Protection Agency, in and for the Region in which the facility is located.

Repair means any work necessary to maintain or restore a container to a condition suitable for safe operation, other than that necessary for ordinary, day-to-day maintenance to maintain the functional integrity of the container and that does not weaken the container.

Spill Prevention, Control, and Countermeasure Plan; SPCC Plan, or Plan means the document required by §112.3 that details the equipment, workforce, procedures, and steps to prevent, control, and provide adequate countermeasures to a discharge.

Storage capacity of a container means the shell capacity of the container.

Transportation-related and non-transportation-related , as applied to an onshore or offshore facility, are defined in the Memorandum of Understanding between the Secretary of Transportation and the Administrator of the Environmental Protection Agency, dated November 24, 1971, (appendix A of this part).

United States means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, American Samoa, the U.S. Virgin Islands, and the Pacific Island Governments.

Vegetable oil means a non-petroleum oil or fat of vegetable origin, including but not limited to oils and fats derived from plant seeds, nuts, fruits, and kernels. *Vessel* means every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Wetlands means those areas that are inundated or saturated by surface or groundwater at a frequency or duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include playa lakes, swamps, marshes, bogs, and similar areas such as sloughs, prairie potholes, wet meadows, prairie river overflows, mudflats, and natural ponds.

Worst case discharge for an onshore non-transportation-related facility means the largest foreseeable discharge in adverse weather conditions as determined using the worksheets in appendix D to this part (40 CFR 112).

APPENDIX C

Professional Engineer Certification

PROFESSIONAL ENGINEER CERTIFICATION

I certify under penalty of law that I am a Registered Professional Engineer familiar with the provisions of 40 CFR 112. Based on my review of this Spill Prevention, Control and Countermeasure (SPCC) Plan, I certify that, to the best of my knowledge, this SPCC Plan was prepared in accordance with the provisions of 40 CFR 112 and good engineering practices.

Sheryle G. Reeves, P.E.
Alabama License No. 20128

5-22-13

Date

APPENDIX D

Five Year Review Summary Page

FIVE YEAR PLAN SUMMARY PAGE – 40 CFR 112.5

In accordance with 40 CFR 112.5, a review and evaluation of this SPCC Plan must be performed at any time that there is a change in the design, construction, operation or maintenance that materially affects its potential for a discharge. Also, a review and evaluation of the Plan must be conducted at least once every 5 years. If any amendments are needed, they must be made and implemented within six months of the review. If any technical amendments are required for the plan, the changes require the certification of Professional Engineer.

By signing the log below, I certify that *I have completed review and evaluation of the SPCC Plan for the Livlite® Division, Clay Mine facility on the date shown and will amend the Plan (if indicated in the log) as a result.*

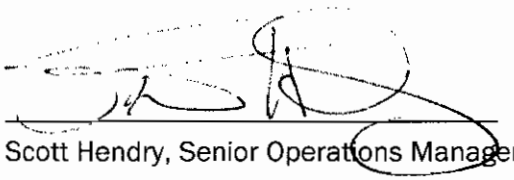
Reviewer Name (Signature)	Reviewer Name (Print)	Date	Will Plan Be Amended? (Yes/No)	P.E. Certification Required? (Yes/No)

APPENDIX E

Management Approval

MANAGEMENT APPROVAL

I certify that this Spill Prevention, Control and Countermeasures (SPCC) Plan was prepared with my knowledge. I understand that for the SPCC Plan to be valid and effective, the procedures and recommendations in the SPCC Plan must be implemented at my facility. I have read and approved the procedures and practices outlined in this Plan, and I have the authority to implement the changes at my facility required to comply with the Plan.



Scott Hendry, Senior Operations Manager
Big River Industries, Inc.

5/24/13

Date

APPENDIX F

Past Discharge History

And Drainage Log

PAST DISCHARGE HISTORY – 40 CFR 112.7(a)

Description of Spill	Corrective Actions Taken	Plan for Preventing Recurrence

DRAINAGE LOG – 40 CFR 112.8(c)

Drainage of uncontaminated rainwater from diked areas into a storm drain or discharge of an effluent into an open watercourse, lake, or pond, bypassing the facility treatment system is not allowed unless:

1) Bypass valve(s) are normally sealed closed;
2) Retained rainwater has been inspected to ensure that it will not cause a discharge;
3) The bypass valve(s) must be opened and resealed following drainage under responsible supervision; and
4) Drainage log entry is recorded.

Drainage Location	Date of Drainage	Visible Sheen (Y/N)	Supervisor's Initials

APPENDIX G

Certification of Substantial Harm Determination Form

Certification of Substantial Harm Determination Form

Facility Name: Big River Industries, Inc., Livlite® Division, Clay Mine
Facility Address: Highway 11
York, Alabama

1. Does the facility transfer oil over water to or from vessels and does the facility have a total oil storage capacity greater to or equal to 42,000 gallons?

   Yes _____ No X

2. Does the facility have a total oil storage capacity greater to or equal to 1 million gallons and does the facility lack secondary containment that is sufficiently large to contain the capacity of the largest aboveground storage tank plus sufficient freeboard to allow for precipitation within any aboveground storage tank area?

   Yes _____ No X

3. Does the facility have a total oil storage capacity greater to or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula) such that a discharge from the facility could cause injury to fish and wildlife and sensitive environments? For further description of fish and wildlife and sensitive environments, see Appendices I, II and III to DOC/NOAA's "Guidance for Facility and Vessel Response Plan" Fish and Wildlife Sensitive Environments" (see Appendix E to this part, section 10, for availability) and the applicable Area Contingency Plan.

   Yes _____ No X

4. Does the facility have a total oil storage capacity greater to or equal to 1 million gallons and is the facility located at a distance (as calculated using the appropriate formula in Attachment C-III to this appendix or a comparable formula) such that a discharge from the facility would shut down a public drinking water intake?

   Yes _____ No X

5. Does the facility have a total storage capacity greater than or equal to 1 million gallons and has the facility experienced a reportable oil discharge in an amount greater than or equal to 10,000 gallons within the last 5 years?

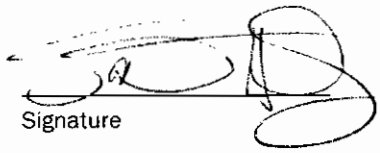
   Yes _____ No X

CERTIFICATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document. Based on my inquiry of those individuals responsible for obtaining this information, I believe that the submitted information is true, accurate and complete.

Mr. Scott Hendry
Name (Please type or print)

Senior Operations Manager
Title


Signature

5/21/13
Date

APPENDIX H

Spill Potential Analysis

Spill Potential Analysis

The following Spill Potential Analysis determines the worst case scenario for a release of petroleum products at the Livlite® Division, Clay Mine and describes the path of flow of the material.

The worst case scenario for a release of petroleum products at the Livlite® Division, Clay Mine is at the AST containing diesel (as shown on Figure 2). If the 1,000-gallon single-walled tank in this area had a catastrophic failure (i.e., a tank rupture), or if a tanker truck had a complete release of its product while draining the tank, then the material released in this area would drain to a drainageway, and then to the incised pit.

Potential discharge volumes and direction flow for the facility have also been tabulated below.

Potential Event	Discharge Direction	Potential Release Volume	Discharge Rate
Complete failure of largest full tank	Toward the incised pit	1,000 gallons	Instantaneous
Partial Failure of largest full tank	Toward the incised pit	1,000 gallons	Gradual to Instantaneous
Leaking valve or valve packing	Toward the incised pit	Several ounces to several gallons	Up to 10 gallon per minute
Tank Truck Leak or failure	Toward the incised pit	1 to 6,000 gallons	Gradual to Instantaneous
Hose leak during truck loading	Toward the incised pit	1 to several gallons	Up to 10 gallon per minute
Pipe rupture or failure	Toward the incised pit	1 to several gallons	Up to 40 gallon per minute

In addition to the secondary containment structure provided for the AST and bulk containers, spill kits shall be maintained in strategic positions onsite as an active form of containment.

Once the spill is contained, all the spilled materials should be captured from the impacted area and/or ditches, and any impacted soils should be excavated and disposed of properly.

APPENDIX I

Facility Inspection Forms

FACILITY INSPECTION CHECKLIST
QUARTERLY INSPECTION FORM

Instructions: This inspection record will be completed quarterly by the *Responsible Person* or designated personnel. Place an X in the appropriate box for each item. If any response requires elaboration, descriptions or actions taken should be included below in the comments or attached on a separate piece of paper, and added to the log book.

	Yes	No
Inspector's Initials		
Date		
TK-1		
AST surfaces show signs of leakage		
AST damaged or deteriorated		
AST supports are deteriorated or bulked		
AST foundations have eroded or settled		
Level gauge is inoperative		
Valve seals or gaskets are leaking		
Spilled product or staining in Fueling/Loading area		
Loading connections are not capped		
Drums		
Drum surfaces show signs of leakage		
Drum damaged or deteriorated		
Drum supports are deteriorated or bulked		
Valve seals or gaskets are leaking		
Spilled product or staining		
Spill Kit		
Insufficient spill response materials		
Security		
Gates/locks is non-functional		

Comments:_____

Appendix J

Record of Personnel Oil Handling and Discharge Prevention Briefings

RECORD OF PERSONNEL DISCHARGE PREVENTION BRIEFINGS

In accordance with the requirements of 40 CFR 112.7(f), this record of discharge prevention briefings for oil handling personnel will be completed at least once every year. The briefings must highlight and describe known discharges or failures, malfunctioning components, and any recently developed precautionary measures. Further descriptions or comments should be attached on a separate sheet of paper if necessary. Each person who participated in the briefing is listed below with printed name, signature, and the date of participation in the briefing.

Facility Name: Livlite® Division, Clay Mine

Name (Printed)	Signature	Date